

ANNUAL REPORT

2023–2024



SAFE RAILWAYS FOR AUSTRALIA

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LETTER OF TRANSMISSION

INFRASTRUCTURE AND TRANSPORT MINISTERS

Dear Ministers,

It is my pleasure to submit to you the annual report of the Office of the National Rail Safety Regulator (ONRSR). The report is separately provided to all jurisdictional Ministers for Transport for tabling in their respective parliaments. The ONRSR Annual Report 2023–2024 has been prepared in accordance with the requirements of the *Rail Safety National Law (RSNL)* and associated regulations.

Yours sincerely

Dr. Natalie E. Pelham
Chief Executive



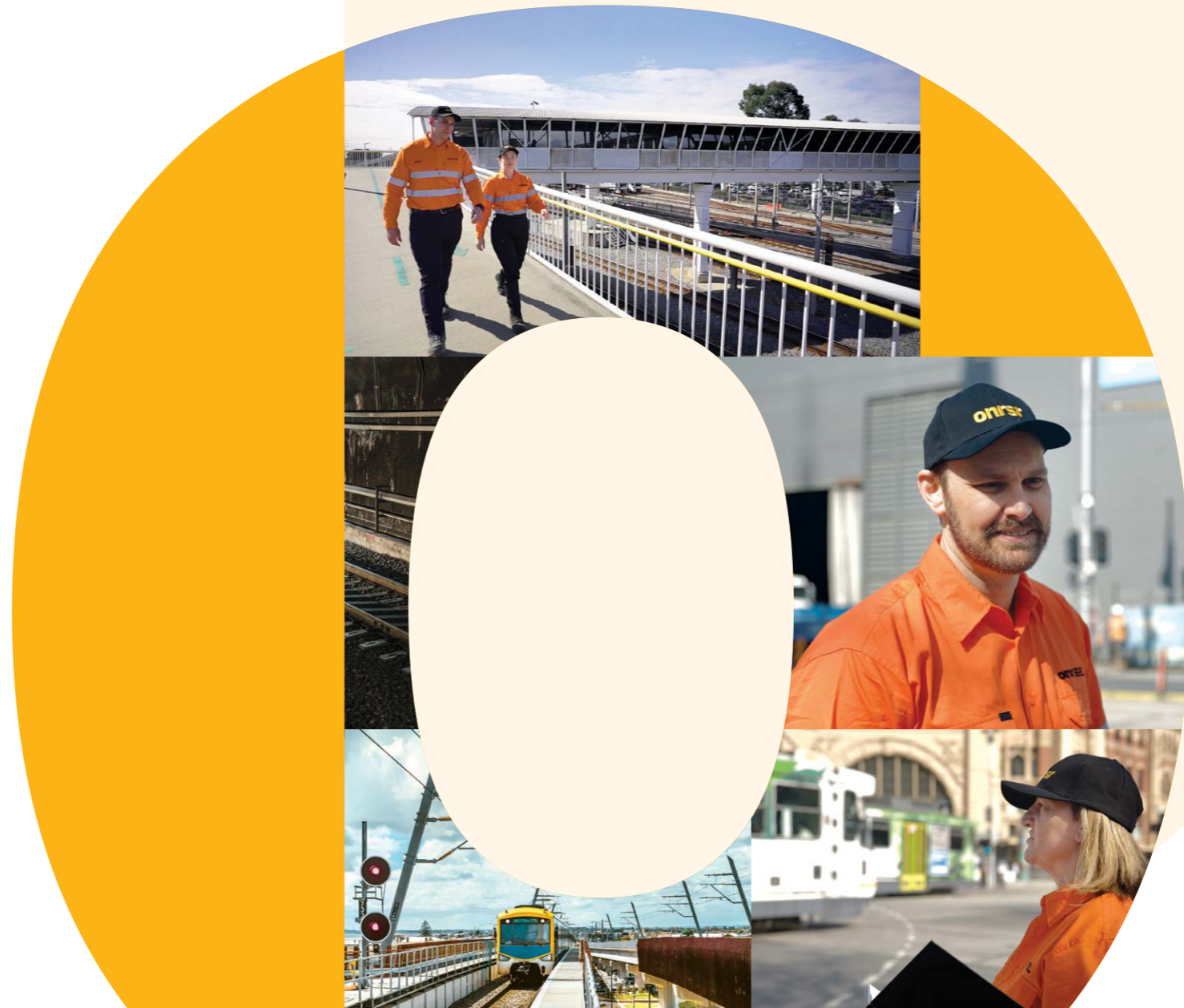
ABOUT THIS REPORT

ONRSR is a body corporate established under the RSNL and, under the law, is not subject to ministerial direction in the exercising of its functions and powers. The RSNL requires the regulator to deliver to the responsible ministers a report on ONRSR's activities for each financial year. This report covers the activities of ONRSR during 2023–2024. The report is structured in five parts. The overview section includes our purpose, governance structures, summary of major achievements and summary financial report with remaining sections covering corporate and regulatory performance followed by Financials and appendices.

ACKNOWLEDGEMENT OF COUNTRY

ONRSR acknowledges the Traditional Custodians of the lands where we work and live. We pay respect to Elders, past, present, and emerging. We recognise and celebrate their unique cultural and spiritual relationship and ongoing connection to the lands and waters of Australia.

OVERVIEW





CHIEF EXECUTIVE'S MESSAGE

As we enter our second decade delivering rail safety regulation across Australia's vast railway networks, ONRSR does so with faith in its foundations and trust in its trajectory.

In November 2023, I inherited a proud and committed team of people who enjoy what they do, are passionate and find genuine meaning in the pursuit of ONRSR's vision of safe railways for Australia. This was reinforced by the feedback and insights I gained from a *listen and learn tour* I conducted shortly after taking on the role of Chief Executive as well as from engagement with industry and governments over the past 6 months. While this confirmed to me that ONRSR has been effectively set up as the national regulator, it also identified some opportunities to enhance the way we do business.

We continue to invest in our people and processes with a view to being the most efficient and effective regulator we can. In the last financial year another 29 people completed our Regulatory Officer Training Program that delivers nationally consistent learning and development, tailored and structure around the key functions and powers of ONRSR. The program ensures that our regulatory team can provide quality safety oversight and is effective in working with rail transport operators to drive best practices and processes.

In keeping with the national consistency theme, it was great to see the Western Australian Parliament approve in April, the full application of the *Rail Safety National Law* in that state, essentially putting the

full stop to the national reform to establish a single national rail safety regulator and law.

Earlier this year, there was some finality too, for the investigation into the derailment of a passenger service near Wallan in Victoria which tragically claimed the lives of two rail safety workers in February 2020. After an extensive investigation, the matter was formally closed when it was successfully prosecuted. The prosecution along with a range of regulatory activities conducted by ONRSR since the accident were designed to ensure the safety lessons from the incident were learned and as a result, occurrences like this would be prevented in the future.

Of course, one of the keys to understanding the what, how and why of occurrences is having a strategic approach to the collection, analysis and reporting of data which continues to be a priority. Delivery of the National Data Strategy last financial year, developed in conjunction with the Australasian Railway Association, was the foundation piece that we can build on over to time to ensure that operators, policy makers and regulators will have a far greater understanding of the safety landscape and how to drive improvements.

Internally we continued to develop our systems by refocusing our IT resources to drive enhancements in our regulatory information systems. We also delivered a range of shared learning opportunities via our Learning and Development program – including mental health first aid training and discussion panels in key topics to help our staff perform at their best. We continue to review processes and procedures across corporate and regulatory business areas to improve our efficiency and effectiveness.

We also continued to build relationships with our stakeholders, issuing more than a dozen safety messages and alerts to a growing audience via our digital channels, while continuing to develop the very popular safety animations that remain well received and elicit great feedback for ONRSR. Helping us to focus our efforts on developing the most effective resources to support industry to improve safety. This year we also began a series of safety case studies that we will expand upon through 2024–2025.

One such case study looked closely at the tragic accident at Bindarra in outback South Australia on New Year's Eve 2023 where two train drivers were killed and which was the catalyst for the National Level Crossing Roundtable in March. ONRSR was a key participant at that event and contributor to many of the outcomes that will drive safety improvements. Throughout 2023–2024 level crossing safety was again a priority issue for ONRSR and following our work to commission research into level crossing safety and train lighting, we have subsequently delivered to Ministers for consideration, the first *Code of Practice for Train Visibility at Level Crossings*. This document was developed in conjunction with a range of stakeholders including those with lived experience of level crossing incidents. It will be a key resource to assist in addressing what has become perhaps the safety issue for the Australian rail industry.

In the coming year, I am determined that ONRSR will provide even greater leadership - working with the rail industry and governments to identify and address important safety issues and collaborate for the national good to achieve our vision of

Safe Railways for Australia. Integral to this is the National Transport Commission's recently completed review of the Rail Safety National Law. It is pleasing to see that Ministers have approved all the recommendations and that there is support across the country for ONRSR to take on new roles. Of course, the full range of observations and recommendations from the Review are being considered. In doing so I am confident, as we take our seat at the national table, we will evolve our role to progress key issues such as interoperability and technology investment to achieve safety, productivity and efficiency gains.

We are ready to become a recognised leader and collaborator for rail safety improvement by complementing our national compliance program with a renewed investigations strategy, and new Safety and Stakeholder Engagement Strategies. These will of course be underpinned by the revised cost recovery model that we continue to develop and progress for approval and implementation.

For now, my thanks to the ONRSR team right around the country for their warm welcome and their dedication, expertise, and commitment to enhancing rail safety for the Australian community in the years ahead.

Dr. Natalie E. Pelham

Chief Executive / National Rail Safety Regulator

July 2024

ABOUT OUR ORGANISATION

ONRSR works on behalf of Australian Governments to deliver a national scheme for rail safety that ensures the safety of rail operations and thereby the community by facilitating improvements in rail safety, monitoring compliance with the law and enforcing safe railway operations when necessary. In doing so we continue to develop our relationships with Governments, their public service agencies and the wider rail industry – operators, unions, owners, contractors, maintainers, suppliers, manufacturers and rail safety associations.

ONRSR has the dual, but complementary, roles of administrator of the RSNL accreditation regime and the regulator of a duty-based safety management regime. As a risk-based regulator, it has oversight of more than 300 accredited and registered rail transport operators across more than 44,000 track kilometres of the freight, passenger and tourist and heritage rail sectors.

Through the thoughtful use of its regulatory powers, ONRSR plays a key role in reducing safety risks by conducting audits, inspections, reviews and investigations through to the provision of advice, the issuing of improvement or prohibition notices, prosecution or the suspension of accreditation to achieve appropriate safety outcomes.

OUR VISION

Safe Railways for Australia

OUR PURPOSE

To enhance rail safety for the Australian community through targeted, risk-based regulation and by sharing insights and information arising from our work.

OUR VALUES

INTEGRITY

We have moral courage and are honest and straightforward in our approach.

RESPECT

We have respect for each other and our stakeholders.

INDEPENDENCE

Our decision making is responsive and free from bias and influence.

DILIGENCE

We persevere and apply ourselves in a conscientious manner.

EXCELLENCE

We are professional, high performing and strive for continuous improvement.



OUR GOVERNANCE

THE ONRSR

(REPRESENTED BY ONRSR MEMBERS MEETING – OMM)

Under *Rail Safety National Law*, “the ONRSR” comprises the National Rail Safety Regulator, and two non-executive members, Trish White AM and Julie-Anne Schafer. These three appointments are made by the South Australian Transport Minister on the unanimous recommendation of the responsible ministers.

The OMM performs core governance functions including reviewing ONRSR performance reports and financial operation oversight. The legal authority for specific regulatory actions is vested in the National Rail Safety Regulator only.

DR. NATALIE PELHAM

Chief Executive/National Rail Safety Regulator

Dr. Natalie Pelham was appointed Australia’s National Rail Safety Regulator and the Chief Executive of the Office of the National Rail Safety Regulator in October 2023. Natalie is a senior leader with over 25 years’ experience in the public sector leading regulation, policy, strategy and reform at the state and national levels and is a Member of the Australian Institute of Company Directors. Prior to joining ONRSR, Natalie was the Chief Investigator and Chief Executive of the NSW Office of Transport Safety Investigations. She is a highly qualified and effective executive who is results-oriented and outcomes focused with a passion for safety and reform.

TRISH WHITE AM

Non-executive member

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

JULIE-ANNE SCHAFER

Non-executive member

Julie-Anne is an experienced Director and Chair, in highly regulated sectors, including infrastructure and transport, she holds a Bachelor of Laws with Honours (LL.B. Hons) from the University of Queensland and is a Fellow of the Institute of Company Directors.



ONRSR EXECUTIVE

The Executive team supports the regulator and non-executive members to ensure the efficient and effective operation of ONRSR and the implementation of its Corporate Plan and Statement of Intent. It works collaboratively with industry using a risk-based approach to enhance rail safety in Australia. In 2023–2024 the Executive met 11 times.



PETER DOGGETT

Chief Operating Officer

Peter has more than 35 years’ experience in the rail industry both in Australia and overseas. He has combined leadership positions and practical operational experience with a focus on risk management working in the heavy rail, light rail, high speed rail and freight sectors. Peter acted in the role of Chief Executive and National Rail Safety Regulator from January to October 2023.



SIMON FOSTER

Executive Director, Technical

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



SASHA VIERGEVER

Executive Director, Corporate Services

Sasha is an experienced leader in Finance and Operations having held senior leadership roles within the UK Financial Services industry for nearly 20 years. Sasha brings a breadth of experience in financial management, business transformation and process improvement, change management, risk management and corporate governance. Sasha is a member of the Chartered Accountants, Australia and New Zealand.



AUDIT AND RISK COMMITTEE

An independent committee that oversees and reviews ONRSR's corporate risk and financial management, and reviews statutory accounts subject to external audit and ONRSR's internal audit program.

The committee comprises Trish White, ONRSR Non-executive Member as Chair, Kevin Reid, an external appointment and Dr Natalie Pelham. The Auditor-General, or representative, is invited as a guest to each meeting to facilitate effective communication with the South Australian Auditor General's Office. During 2023–2024 four meetings were held.



OUR STAKEHOLDERS

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

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

At operational and policy levels, ONRSR works and liaises with a wide range of bodies including:

- Association of Tourist and Heritage Rail Australia (ATHRA)
- Australasian Railway Association (ARA)
- Australian Federated Union of Locomotive Employees (AFULE)
- Australian Transport Safety Bureau (ATSB)
- National Transport Research Organisation
- Rail Industry Safety and Standards Board (RISSB)
- Rail Transport Operators (Chief Executives, Rail Safety Managers)
- Rail Tram and Bus Union (RTBU),
- TrackSAFE Foundation

STAKEHOLDER FORUMS

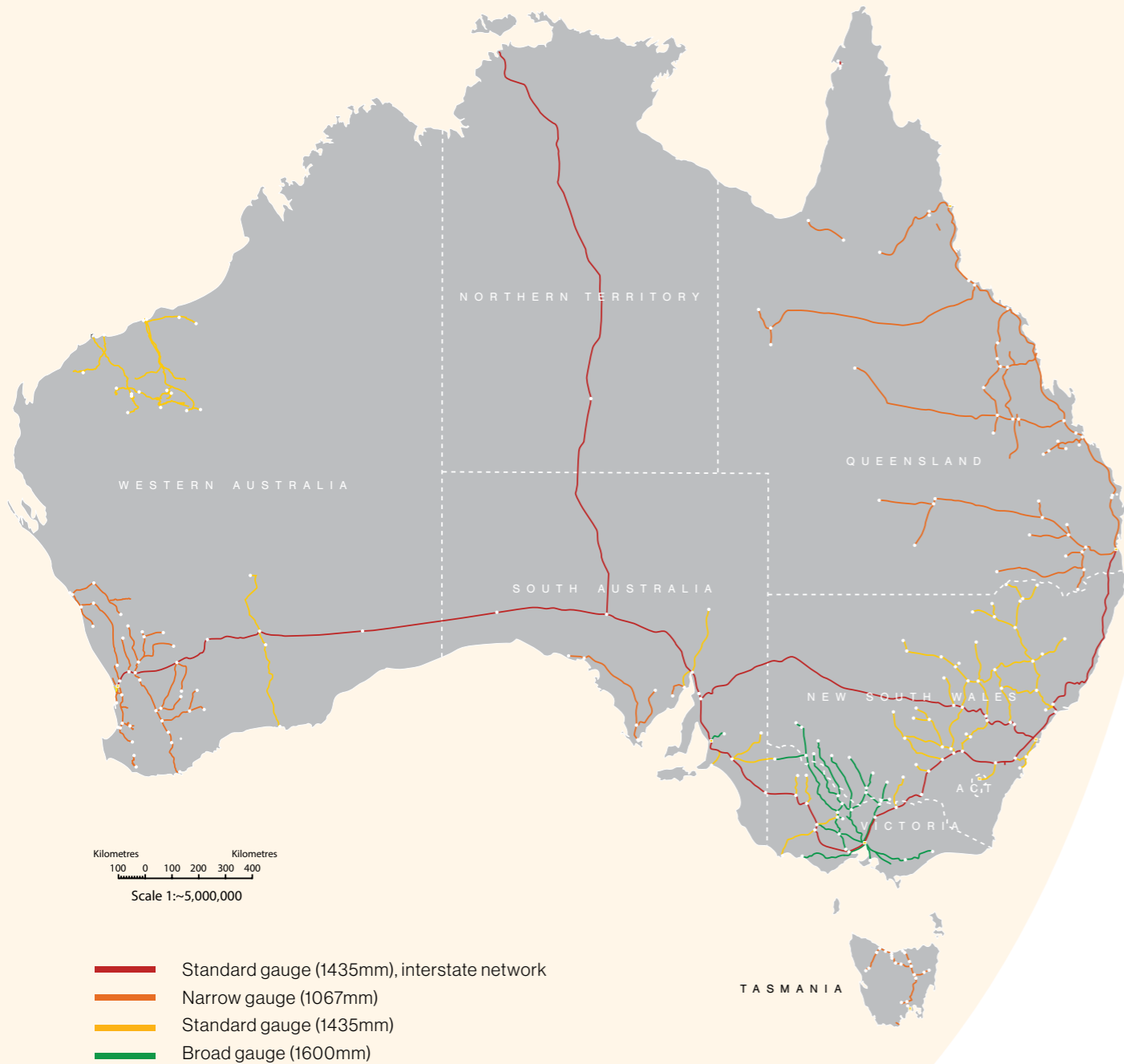
During the year, ONRSR hosted a number of stakeholder forums including:

- **Senior Government Policy Group** comprising senior commonwealth, state and territory government personnel, including the NTC, discussing policy and legislative reform.
- **Operational Forums** provide the ability for multi-jurisdictional or local operators to discuss safety information or issues with the relevant senior ONRSR operational staff.

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

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

RAIL NETWORKS OPERATING ACROSS AUSTRALIA



ONRSR CORPORATE GOALS 2023–2024

In 2023–2024 ONRSR provides final reporting against the corporate goals and activities outlined in the ONRSR Corporate Plan 2022–2025. From 1 July 2024 this plan is replaced by ONRSR Strategic Directions 2024–2027. (See page 18)

GOAL 1 ENHANCE OUR RISK-BASED APPROACH TO RAIL SAFETY REGULATION

| ACTIVITIES | OUTCOME |
|--|--|
| Implement the National Rail Safety Data Strategy Action Plan | Achieved |
| Implement a national cost recovery model based on regulatory effort and risk subject to Infrastructure and Transport Ministers' approval | Closed (not supported) (revised model via to be developed via new Strategic Priority #4 - see page 21) |
| Integrate the findings from an expanded set of analysis activities and products into the regulatory planning and monitoring cycle | Achieved |
| Deliver an intelligence led national drug and alcohol testing program with annual review | Achieved |

GOAL 2 DELIVER EFFICIENT AND EFFECTIVE SAFETY REGULATION

| ACTIVITIES | OUTCOME |
|--|--|
| Work with governments to remove remaining, and minimise future, derogations to <i>Rail Safety National Law</i> | Achieved (Passage of RSNL in WA – April 2024) |
| Increase the range of regulatory and reporting interactions the ONRSR portal facilitates | Achieved |
| Conduct the next ONRSR Stakeholder Survey | Achieved |

GOAL 3 WORK WITH INDUSTRY TO ADDRESS NATIONAL RAIL SAFETY ISSUES

| ACTIVITIES | OUTCOME |
|---|--|
| Finalise national priority projects including: <ul style="list-style-type: none"> Level crossing safety Contractor management Control Assurance Track Worker Safety | Achieved Achieved Achieved Achieved |
| Implement In-Cab audio and video recording policy as approved by ITMM | On Hold |
| Implement a National Level Crossing Portal on behalf of the National Level Crossing Safety Committee (NLGSC) | Underway - will be completed in 24/25 |
| Oversee outcomes of the train visibility research trials review to improve level crossing safety | Achieved |
| Actively support RISSB to drive production of standards that address safety controls and their assurance | Achieved |
| Investigate opportunities to partner with universities to further rail safety research | Achieved |
| Develop an ONRSR Education Framework to guide educational activities | To be completed under Strategic Directions 2024–2027 |
| Upgrade regulatory information systems in order to implement National Rail Safety Data Framework | Not Achieved - anticipated completion Dec 2024 |

GOAL 4 INVEST IN ONRSR'S NATIONAL CAPABILITY, GOVERNANCE AND CULTURE

| ACTIVITIES | OUTCOME |
|---|----------|
| Monitor developments in cyber security defences and continually enhance our response capacity | Achieved |
| Continue to invest in the learning and development of the national team and the systems that support them | Achieved |
| Enhance the recruitment strategies and supporting resources to attract and retain the most talented employees | Achieved |
| Deliver a Rail Safety Officer Competency Program | Achieved |





ONRSR STRATEGIC DIRECTIONS 2024–2027

A key focus for ONRSR in 2023–2024 has been reviewing and resetting our strategic goals through a comprehensive planning process that included input from internal and external stakeholders.

In late June 2024, the Strategic Directions 2024–2027 were finalised.

One of the most important outcomes was a renewed ONRSR purpose, *to enhance rail safety for the Australian community through targeted, risk-based regulation, and by proactively sharing insights and information arising from our work.*

Complementing this new purpose are five new strategic priorities and associated focus areas.

STRATEGIC PRIORITY

1

LEVERAGE DATA AND INTELLIGENCE TO ENHANCE OUR APPROACH TO RISK-BASED REGULATION

FOCUS AREAS

REFINE RISK-BASED APPROACH

Better target resources to deliver the greatest safety improvement

INFORM DECISIONS

Continue to evolve our regulatory intelligence framework, our qualitative and quantitative data sets

GAIN INSIGHTS

Continue to build our data analytics capabilities to transform intelligence into actionable insights.

STRATEGIC PRIORITY

2 *ENSURE OUR PEOPLE ARE VALUED, SKILLED AND ENGAGED*

FOCUS AREAS

FOSTER A SUPPORTIVE CULTURE

Reinforce leadership behaviours where everyone feels respected, connected and trusted

BUILD CAPABILITY

Empower our people with the skills, knowledge and confidence to navigate the evolving rail landscape

ATTRACT AND ENGAGE

Tackle current and future capacity challenges

STRATEGIC PRIORITY

3 *CULTIVATE STRONG AND COLLABORATIVE RELATIONSHIPS WITH KEY STAKEHOLDERS*

FOCUS AREAS

ENGAGE INDUSTRY

Seek input and share relevant information for specific safety outcomes

COLLABORATE NATIONALLY

Identify key stakeholders for collaboration on important safety issues

INFLUENCE POLICY DIRECTION

Enhance relationships with industry associations, unions, and governments

STRATEGIC PRIORITY

4 *POSITION ONRSR AS A FUTURE-FOCUSED AND SUSTAINABLE REGULATOR*

FOCUS AREAS

DEMONSTRATE IMPACT

Promote outcomes-based measurement to demonstrate efficiency and effectiveness

CONTINUOUSLY IMPROVE

Learn from internal and external evidence to benchmark and improve how ONRSR is going and growing

PREPARE FOR THE FUTURE

Ensure ONRSR's strategic planning prepares it to meet future challenges and opportunities



STRATEGIC PRIORITY

5 INFLUENCE SAFETY PRACTICES AND BUILD SAFETY KNOWLEDGE AMONG RAIL TRANSPORT OPERATORS

FOCUS AREAS

AMPLIFY INFLUENCE CHANNELS

Ensure the right messages reach the right audiences, maximising our influence on safety practice.

MOTIVATE INDUSTRY ACTION

Share trends, patterns and research relevant to the safety challenges faced by RTOs

INFLUENCE SAFETY PERFORMANCE

Share safety lessons, case studies and better practices to influence improved safety management

ONRSR will report against these priorities, focus areas and the associated key initiatives, outcomes and measures in future annual reports.



REGULATORY PERFORMANCE 2023-2024

FOCUS AREAS AND CASE STUDIES

FOCUS AREA ACCREDITATION, VARIATION AND CHANGE

In administering the national accreditation regime under the RSNL, ONRSR must make the decision to grant, with or without conditions, accreditation to a person or organisation that has the competence and capacity to undertake their intended railway operations.

As accreditation is granted for specific railway operations it is not unusual that an operator's business activities or methods of operating will change beyond their current scope of accredited railway operations. Where this occurs, the operator is required to apply for a variation to accreditation which is assessed in the same way as an accreditation.

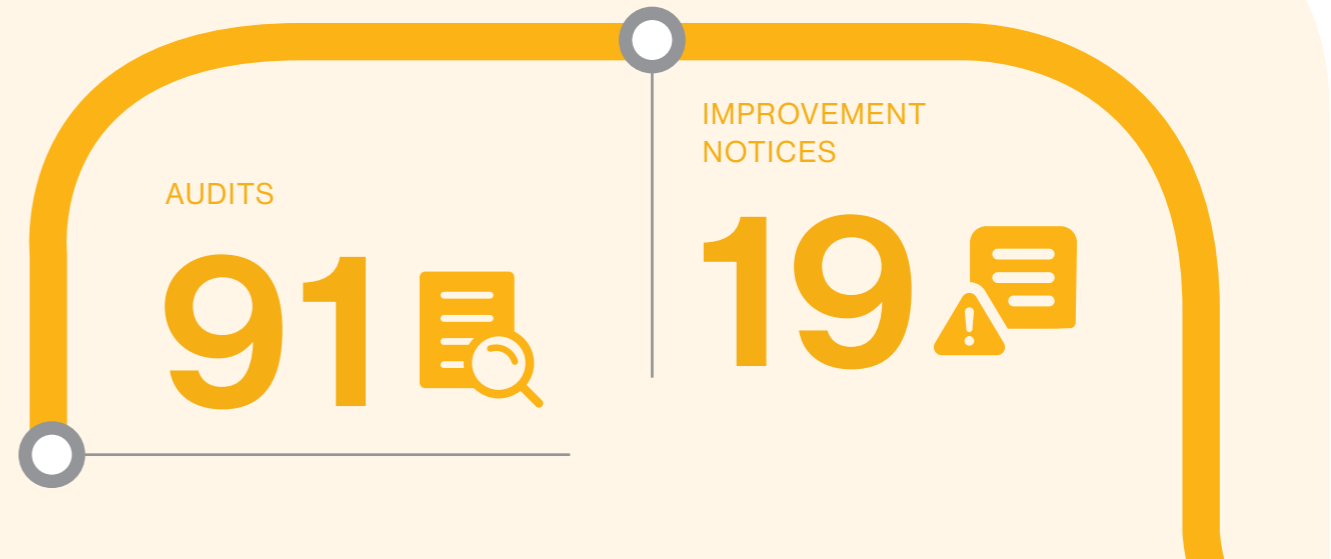
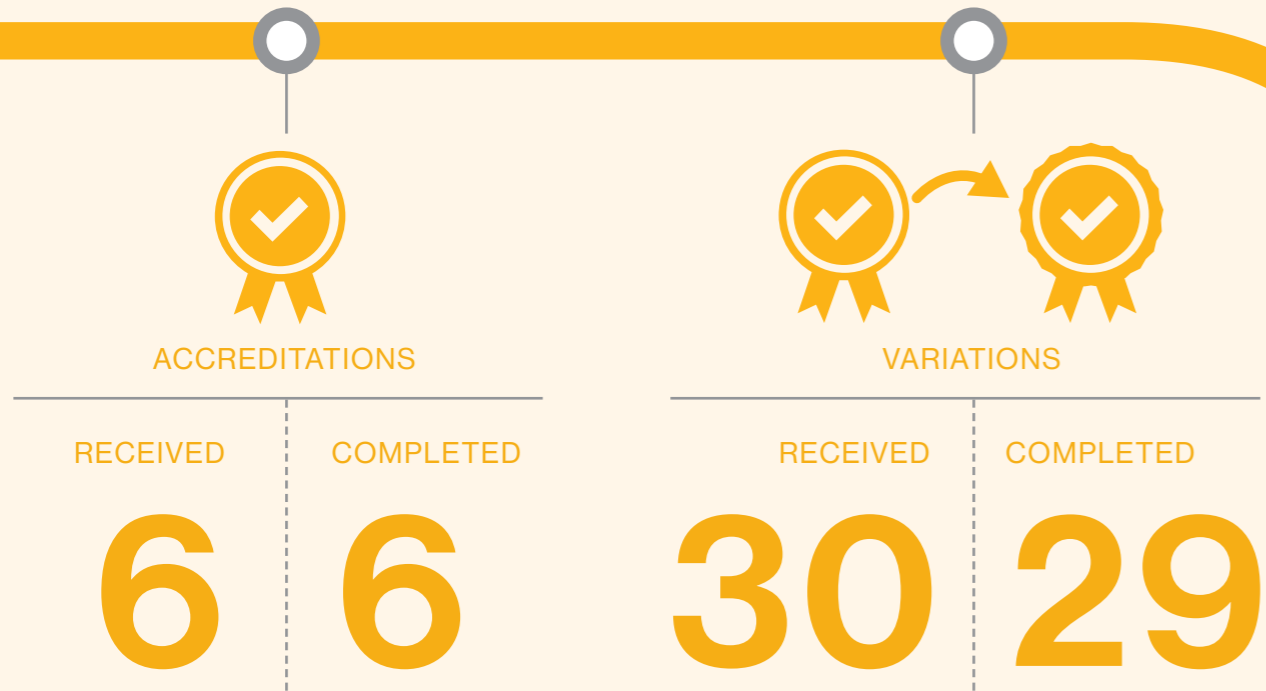
FOCUS AREA MAJOR PROJECTS

ONRSR works with proponents of significant rail infrastructure and rolling stock projects to support achievement of accreditation (or variations to). Underpinning these interactions is the ONRSR Major Projects Guideline which provides direction to the industry as to how projects can safely manage major change.

In 2023-2024 ONRSR worked closely with planning and construction teams delivering an array of major rail projects in all parts of Australia. These included but are not limited to:

- Inland Rail (Vic, NSW, Qld)
- Sydney Metro (NSW)
- Melbourne Metro (Vic)
- METRONET High-Capacity Signalling (WA)
- Cross River Rail (Qld) (Vic)
- Melbourne Suburban Loop (Vic)

2023-2024



CASE STUDY

ONRSR AND THE SUBURBAN RAIL LOOP

Melbourne's Suburban Rail Loop Authority (SRLA) is overseeing one of Australia's largest and most ambitious infrastructure projects, comprising a 90-kilometre railway linking every major rail artery across the Victorian capital. Multiple early works sites have been established and the project is transitioning into major works delivery.

A generational project like this one requires an unprecedented level of planning and preparation and it is here that ONRSR has played an integral part in ensuring the project team is progressing vital conceptual work in the most informed and engaged way possible.

ONRSR's Senior Manager, Major Projects, Raden Kusumo believes the key to the mutually beneficial working relationship his team has enjoyed with representatives of the SRLA was the early engagement of the national regulator.

"Our team has a lot of experience with a range of major projects that are underway across the country and as a result we've seen what good looks like and what bad looks like," he said.

"By being able to share this information where it is appropriate with the SRLA team at a very early stage – essentially the conceptual stage – ensured we could help them avoid some of the pitfalls associated with projects of this scale."

ONRSR has been working with the SRLA since 2020, guiding the project team on exactly what is required of them from a regulatory perspective, helping them to understand how they ensure compliance with *Rail Safety National Law* and demonstrating how the project can be delivered safely.

"There are a range of considerations they have needed to have," Raden Kusumo says.

"They have had to make decisions about rail alignment, who are the correct entities to run various aspects of the work, and what are the safety considerations they have to incorporate in their conceptual design."

A key focus for Raden and his team which has included Major Projects Manager, Jesse Nicolas and Principal Compliance Officer, Georgia Patras, has been dispelling some industry myths about the role of the Rail Infrastructure Manager (RIM) – the entity that ONRSR will ultimately be asked to accredit to oversee the delivery of part of the Suburban Rail Loop project.

"There's a lot of misinformation about being a RIM, but essentially it is about ensuring you have the right competency and capacity to undertake the railway operations, as well as appropriate safety management systems with clear processes and procedures in place – it really doesn't need to be much more complicated than that."

"So, we've worked with SRLA to provide guidance around what a good safety management system looks like and importantly explaining to them that it isn't about what ONRSR will accept, rather it is about what they need to do to assure themselves that their railway operations are safe SFAIRP (So Far As Is Reasonably Practicable)."

"Once they understood that concept, the conversations have become more targeted, and our focus has since switched to making sure they are on the right track and pointing them in the right direction to develop their SMS documentation with a view to ultimately applying for accreditation."

Glen Turnbull, the Deputy Director of Rail Safety Governance and Assurance with the SRLA says the authority has genuinely appreciated the support it has received from ONRSR in working through the conceptual phase of the project.

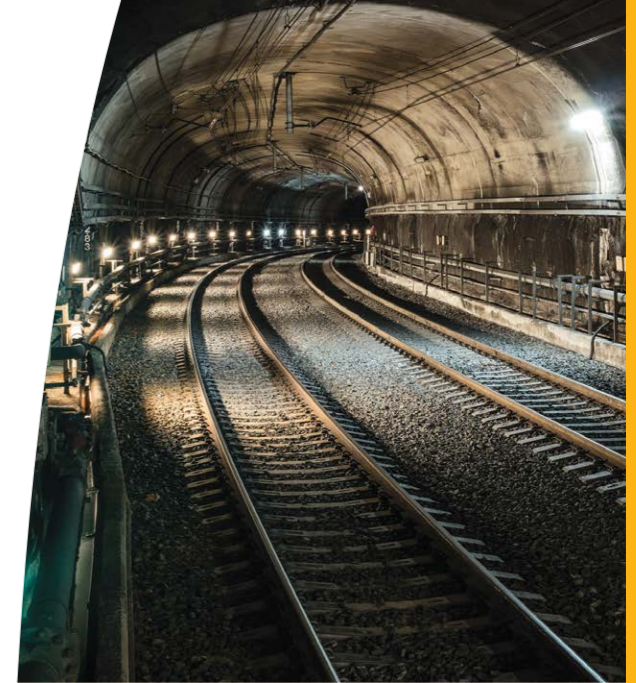
"The support has been invaluable in helping us navigate the challenges we have faced in the development of SRL East and for the practical advice and insights ONRSR has shared," he said.

"The expertise and experience have allowed us to approach our challenges with a fresh perspective and consider alternative approaches that we may not have previously considered. The guidance has been instrumental in helping us make informed decisions and navigate complex situations."

ONRSR's Major Projects team works with rail transport operators and delivery entities of large-scale rail projects across the country most of which involve a significant technical or operational change, particularly involving novel or innovative approaches and complex delivery model. Many are associated with the introduction of new rolling stock or railway infrastructure or have a high level of complexity due to intricate, multi-party organisational or contractual structures.

If the intended railway operations fall into these definitions, then, as in the case of the SRLA, early engagement with ONRSR, well ahead of any formal application considerations, is encouraged in order to promote safe and timely project delivery.

ONRSR has produced a range of information and guidance for duty holders under the RSNL that explain the minimum expectations when reviewing safety management for major projects.



NUMBER OF MAJOR PROJECTS REQUIRING REGULATORY ACTIVITIES

TECHNICAL TEAM (MAJOR PROJECTS)

 33

NATIONAL OPERATIONS

 3

FOCUS AREA COMPLIANCE AND ENFORCEMENT

ONRSR implements an annual compliance program which examines the ongoing implementation and effectiveness of operators' safety management systems in addressing the risks to safety arising from their unique rail operations.

The tests applied are whether safety is being managed so far as is reasonably practicable and whether the operator, where accredited, continues to demonstrate the competency and capacity to safely undertake its railway operations. The Compliance Program consists of audits, inspections and site visits to assess compliance with various aspects of the RSNL, effective management of risks to safety from the rail operations and to better understand an operator's rail operations and the challenges they face.

CASE STUDY BINDARRAH 31/12/2023

WHAT HAPPENED?

On New Year's Eve 2023 a fully laden freight train travelling from Sydney to Perth collided with a B-Double truck at a level crossing on the Barrier Highway near Bindarra, South Australia approximately 80 kilometres west of Broken Hill. The driver of the truck was unhurt in the collision but the two train drivers were fatally injured.

WHY?

The failure of the truck driver to observe or react to an active level crossing.

THE INCIDENT

The collision between a B-Double truck and a Pacific National freight train on the morning of 31 December 2023 was the most serious incident on Australia's vast rail network since the double fatality at Wallan, Victoria in February 2020. Like that occurrence, this one was felt nationally, particularly given its timing in the heart of the festive season. The incident killed two respected rail safety workers while a truck driver was lucky to escape with his life when a Perth bound train collided with a truck at an active level crossing.

The level crossing had both active and passive controls including warning signage, flashing lights and warning bells, and while there were no boom gates installed at the location, all crossing controls were visible and in working order. At this particular location, the single gauge railway track was generally straight and level, while the road was a dual carriageway that swept right to cross the railway line but was otherwise flat.

ONRSR deployed a team of rail safety officers and a senior investigator to the scene on the afternoon of 31 December and immediately issued a non-disturbance notice to the Rail Infrastructure Manager, the Australian Rail Track Corporation and the rail operator, Pacific National.

THE INVESTIGATION

After arriving at the scene, ONRSR investigators worked with emergency services before conducting a thorough site inspection and collecting evidence. This work included the launch of a drone to assist in the scene examination and to establish the full extent of the incident footprint and assist in assessments of the damage to infrastructure. Having completed these tasks, and liaised with SA Police, ONRSR investigators lifted the non-disturbance notice later that evening. The post incident investigation by ONRSR identified the direct and sole cause of the derailment was the truck driver's failure to observe or react to an active level crossing and the approaching train.

Additional observations included that the design and operation of the level crossing and the condition of the road could be discounted as having contributed to the incident and that there were no obstructions to the truck driver's view of the railway line, the crossing (including the series of warning signs) or the approaching train.

"The incident occurred on a section of road with very little vegetation or obstructions to the view of the rail crew or truck driver as they approached the level crossing. The weather at the time was fine and dry and occurred during daylight hours. Observations of the position of the sun on the day after the incident, at approximately the same time that the collision occurred, indicated that it would not have affected the visibility of neither truck driver nor the rail crew."

ONRSR Investigation Report

SEQUENCE OF EVENTS

The sequence began when the truck driver approached the sweeping bend in the road that led to the level crossing at which point the truck was travelling at 97 km/h. At the same time the freight train was more than 730 metres from the crossing travelling at 89 km/h.

The truck driver apparently did not notice the train until his vehicle was around 150 metres from the crossing at which point he first noticed the flashing red lights, heard the train's horn and saw the flashing headlights of the locomotive. Believing he did not have the time or required distance to stop the vehicle, the truck driver made the fatal mistake to accelerate his vehicle, crossing the solid white lines on the highway in a bid to minimise the distance to the crossing.

With the truck unable to clear the level crossing before the train arrived, the lead locomotive collided with the left side of the B-trailer before lifting off the rails, rotating upon landing and becoming detached from the remainder of the train which subsequently derailed.

"The risks of road and rail traffic coming into conflict with one another at the level crossing was considered by ARTC and a recent reassessment of the risk, based on the volume of road and rail traffic, existing controls and existing design, identified that there was no requirement for any additional controls..."

ONRSR Investigation Report

The investigation concluded that no defects were identified with the rollingstock, truck or rail infrastructure that could have contributed to the cause of the collision.

The truck driver has since been charged with several serious criminal, road-related offences by SA Police that are now before the relevant court.



FOCUS AREA INFORMATION AND ADVICE

ONRSR’s education role involves the provision of information and advice to rail transport operators and other duty holders to help with the understanding of legal requirements or safety issues. This includes undertaking education and awareness of the legal requirements of the RSNL and the expectations on operators for demonstrating compliance with these requirements. ONRSR’s rail safety officers and technical experts provide advice and information to major project proponents, individual rail transport operators and/or rail safety workers when undertaking regulatory activities in the field.

This is complemented with safety focused digital content that is made available via a range of communication channels. This includes the production and distribution of safety alerts, safety messages, safety data and safety incident recreations. All are designed to raise awareness of safety issues that exist or are emerging within the rail industry and to share examples of good practices and encouraging continual improvement of safety management systems. They are made available via the ONRSR website and the monthly ONRSR Engauge industry e-newsletter which reaches more than 1000 subscribers including all accredited rail transport operators.

SAFETY ALERTS / SAFETY MESSAGES

Safety alerts are issued as needed to inform accredited rail transport operators and the broader rail industry of current and emerging safety issues.

SAFETY ALERTS 2023-2024

Safety Alert – Direct drive hydraulic pumps – April 2024

Advising rail operators of the risk of uncontrolled movements associated with direct drive hydraulic pumps installed on road rail vehicles.

Safety Alert – Incidents involving Manco rail equipment – December 2023

Advising rail transport operators of recent incidents involving rail equipment manufactured and/or supplied by Manco Engineering Group (Manco).

Safety Alert – Safeworking competencies Compromised – December 2023

Highlighting concerns with two organisations and the manner in which they have used safe working competencies.

2023-2024 SAFETY MESSAGES

11 

Monthly safety messages, digital recreations and all ONRSR safety alerts can be viewed in detail on via www.onrsr.com.au

FOCUS AREA INVESTIGATIONS

ONRSR responds to significant and serious rail safety occurrences and issues with the aim of determining the need for immediate action by the individual operators involved to address safety issues, whether there are broader safety issues that may be shared with other operators and/or whether to enforce compliance with the RSNL through the application of sanctions or other regulatory interventions.

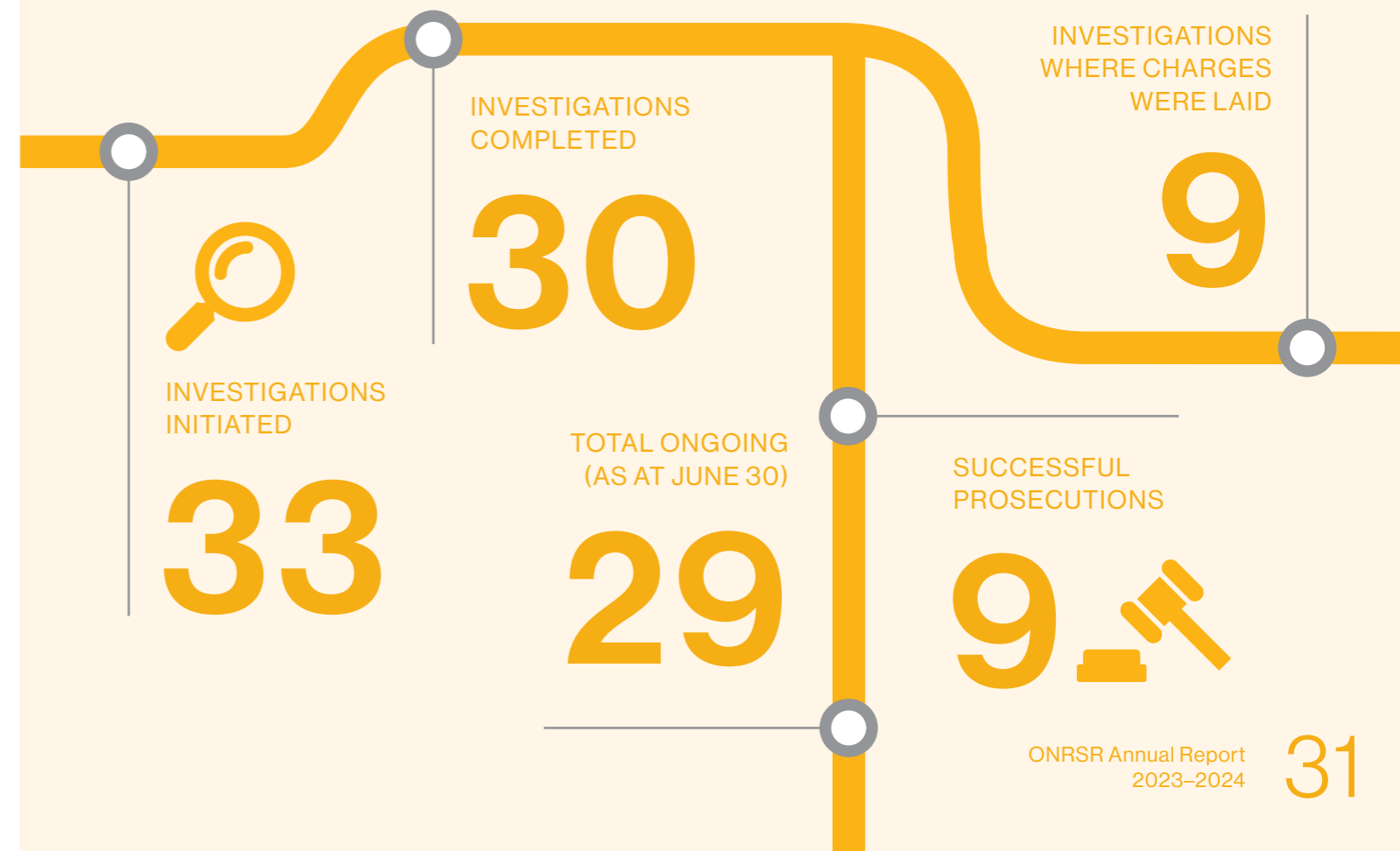
ONRSR’s enforcement decisions are made proportionate to the risks to safety, the seriousness of any perceived breach, and/or the level of non-compliance with legislative requirements to achieve the best safety outcome.

An investigation is a formal, detailed and compliance focused examination of an operator’s actions, or inactions, prior to an occurrence or in relation to a

safety issue. ONRSR may initiate an investigation in response to a range of triggers that include, but are not limited to:

- a notifiable occurrence
- an adverse finding from an audit
- outcomes identified from an inspection
- outcomes identified from an enquiry
- confidential or other intelligence reports or;
- a written direction from a responsible Minister for a participating jurisdiction on a rail safety matter relating to that jurisdiction.

ONRSR INVESTIGATIONS – 2023-2024



OUTCOMES

A total of 9 successful prosecutions including:

INCIDENT

Wallan (20 February 2020) – Overspeed/derailment resulting in the death of two drivers and several injuries.

OUTCOME

3 April 2024 – ARTC and NSW Trains pleaded guilty to breaches of the RSNL and fined \$375,000 and \$150,000, respectively.

INCIDENT

Westwood (18 June 2021) – SPAD and collision (train v train) resulting in the death of a driver and the injury to two other rail crew.

OUTCOME

12 December 2023 – Queensland Rail pleaded guilty to breaches of the RSNL and fined \$600,000.

INCIDENT

Oonoomurra (17 Aug 2022) – Train involved in a serious rail collision (train v train) and subsequent derailment.

OUTCOME

25 October 2023 – Driver pleaded guilty to failing to comply with a requirement to appear before ONRSR Investigators – fined \$5,000

INCIDENT

Seymour (14 May 2021) – Train involved in a multiple-SPAD incident

OUTCOME

7 August 2023 – Driver pleaded guilty to breaches of the RSNL – fined \$20,000

5 X CONVICTIONS FOR DRUG AND ALCOHOL OFFENCES:

- 2 x carrying out or attempting to carry out rail safety work while the prescribed concentration of alcohol was present in their blood.
- 3 x failing to comply with a direction to submit to a urine test

Fines totalling \$1,159,750, with moiety paid to ONRSR for future rail safety initiatives of \$566,475

CASE STUDY WALLAN 20/2/2020

THE INCIDENT

The derailment of a New South Wales Trains XPT Sydney to Melbourne service near Wallan in Victoria on the evening of February 20, 2020, was a tragic and very public reminder that significant incidents can happen on Australia’s passenger rail network. When the train travelling from Sydney to Melbourne derailed on entry to the crossing loop at Wallan, north of Melbourne, two rail safety workers received fatal injuries and several passengers were transferred to hospital.

ONRSR deployed two rail safety officers from its Melbourne office to the scene immediately with the investigation commencing that evening. The next morning these officers were joined by two specialist track engineers, two rolling stock engineers and a signalling engineer whose job it was to work alongside first responders and the Chief Investigator, Transport Safety Victoria (on behalf of the ATSB) to carefully secure evidence and make all initial enquiries at the accident scene. The National Rail Safety Regulator and Chief Operating Officer also attended the site that morning. In the days and weeks that followed, ONRSR continued to work with the OCI Victoria, Victoria Police, the Victorian Coroner’s Office, ComCare and other agencies as required to complete the onsite component of the investigation.

THE INVESTIGATION

The post incident investigation by ONRSR identified the direct cause of the derailment was excessive speed while negotiating the turnout at Wallan, due to the driver being unaware of changes that had taken effect to an improvised safe working system.

This was the result of failures by NSW Trains and the Rail Infrastructure Manager, the Australian Rail Track Corporation (ARTC) to ensure the driver was fully aware of the improvised safe working system, and the changes imposed by subsequent train notices.

The incident had its origins in a sequence of events that degraded operational capability and led to a change of operating procedures by ARTC. These revised procedures were ultimately poorly, or simply not, communicated to impacted rail safety workers by NSW Trains and ARTC.

“The improvised safe-working system was a significant departure from ARTC’s published rules for degraded mode working...No formal structured risk assessment was conducted before this working was introduced.”

ONRSR Investigation Report

SEQUENCE OF EVENTS

The sequence began with a road vehicle (truck) striking an aerial cable at a level crossing on February 3, sparking a fire in an adjacent relay room which caused critical damage to signalling equipment. This resulted in signalling in the vicinity of Wallan defaulting to STOP (displaying red), a situation that required network controllers to verbally instruct train drivers on how to proceed at reduced speeds through the section of track.

The speed restrictions quickly led to congestion and saw time pressure build. In response, ARTC adopted a further revised safe working arrangement whereby it prescribed the use of an on-ground signaller, and an Accompanying Qualified Worker (AQW) to ride with the driver of the train to advise of the changed track conditions.

Meanwhile, in the days before the incident at Wallan, a train driver refused to proceed through a red signal in the area – apparently unsatisfied with only the verbal instructions of network control which he believed was a breach of procedure. This train waited stationary for more than two hours before the red signal was extinguished. This occurrence led to ARTC further revising its already degraded safe working arrangement by extinguishing all signals, removing the need for the driver to repeat back instructions from network control (as is standard practice) and placing responsibility for speed advice to drivers with the AQW.

Finally, in preparation for signal testing, ARTC decided to re-route trains off the Main Line and through the Wallan Loop to facilitate track maintenance – a decision made by a person without track engineering qualifications.

This decision resulted in a further revision of the safe working arrangements and while such updates, known as train notices, are published on the ARTC's web-based portal, NSW Trains' access to the portal had been discontinued and ARTC did not use alternative channels, such as email, to ensure the notices were sent and received.

“The second amendment....fundamentally changed the risk profile of train operations. Situational awareness for drivers was diminished by extinguishing signals. The AQW (for which there is no definition nor rules and procedures) had no authority or knowledge to advise drivers on speed management.”

ONRSR Investigation Report

On the evening of February 20, 2020, the XPT departed Kilmore East in Victoria and accelerated to around 130 kph before making an emergency brake application approximately 100 metres from the Wallan Loop, entering at a speed in excess of 100 kph. The locomotive and trailing carriages derailed with the locomotive rolling onto its left side.

OUTCOME

SAFETY IMPROVEMENT AND PREVENTION

ONRSR worked extensively with both New South Wales Trains and ARTC in the aftermath of the fatal derailment at Wallan to ensure that safety improvements were made with a view to preventing incidents of this nature in the future.

In addition to the incident specific activities (outlined below) carried out with NSW Trains and ARTC, ONRSR also undertook broader work with other operators under its National Priorities Program to share lessons learned from this incident with a focus on:

- Safety Critical Communication
- Altered Working Arrangements
- Contractor Management.

COMMUNICATION OF SAFETY CRITICAL INFORMATION (SCI)

Both ARTC and NSW Trains have made significant improvements to the way they manage and communicate safety critical information via the development of dedicated safe working improvement programs. ARTC has now established a standalone framework for managing, updating, disseminating and confirming acceptance of safety critical information complemented by the use of network information books and the development of an Online Safe Working Portal.

NSW Trains has also taken significant steps toward improving its practices via a comprehensive review and updating of its suite of SCI documentation. This included the development and introduction of a four-phase Communication of Safety Critical RIM Information Procedure covering the receipt, administration, distribution and control assurance of SCI. Development of a Safety Assurance Statement for its SCI process and the establishment of a SCI Working Group were also important safety improvements. The group is accountable for ensuring that NSW Trains delivers an effective SCI distribution process and moves

to a future solution that identifies and distributes relevant safety critical and operational information and notifies crew in near real time. ONRSR has, and will continue to, conduct meetings, site visits and cab rides to verify that NSW Trains drivers are receiving SCI in a timely manner.

In December 2021, NSW Trains commenced a Digital Safety Critical Information (DSCI) project for designing, developing, and implementing a DSCI portal that will ensure time critical and relevant safety critical information is delivered to frontline employees ready for the start of their trip. The aim is to have safety critical information automatically collected from Rail Infrastructure Managers and then registered, assessed, and validated via an online portal which will then produce hard copies. The DSCI back-end portal was completed in January 2024, at which point the project progressed to testing with an expected “go live” date by end of May 2024.

MANAGEMENT OF UNPLANNED OPERATIONAL CHANGES

ONRSR obtained a commitment from ARTC that for the introduction of safe working arrangements that are inconsistent with established rules, an Operational Review and Risk Assessment will be completed, endorsed, and approved by the ARTC Executive before being introduced (i.e. such arrangements cannot be made in immediate response to an operational issue).

RISK MANAGEMENT IN ACCORDANCE WITH SMS

ONRSR identified areas within ARTC where safety assurance processes are in place to manage key safety risks and has been working to ensure that ARTC's senior management are fully aware of and actively monitoring the effectiveness of these arrangements in managing key risks. This has included oversight of how ARTC is managing risk in accordance with their SMS and that nominated controls related to the risk management system are being applied at all times.

CONTRACTOR MANAGEMENT

ONRSR thoroughly examined ARTC's processes and procedures for the management of contractors engaged to undertake rail safety work for ARTC's railway operations. The effective application of this documentation within ARTC's operations is the subject of ongoing regulatory activities.

COMPETENCY AND TRAINING REVIEWS/REFORMS

Since the Wallan incident ONRSR has reviewed the development and implementation of the following ARTC safety improvement activities:

- An ARTC competency for the domain knowledge and soft skills required for working on ARTC networks by implementing a non-technical training competency to enhance behavioural skills and improve safe working processes. These include:
 - Communication
 - Trust
 - Making high quality decisions
 - Leading by example,
 - Increasing confidence
 - Feedback and listening
- Updated core technical knowledge requirements for Protection officers.
- Defined a new ARTC Hierarchy of Protection for application to all ARTC Networks.
- A program to address Network Control Officer competency related to emergency communications.

FOCUS AREA SAFETY IMPROVEMENT

ONRSR undertakes engagement with operators and other stakeholders to influence improvements in the management of safety risks focused on improving the operation and outcomes of the regulatory scheme and rail industry safety in Australia.

REGIONAL LEVEL CROSSING SAFETY

Reducing safety risks at level crossings is a collective responsibility. Members of the public, rail transport operators, road transport industries, governments, emergency services and regulators all have a vital role to play.

Level crossing safety has been a key focus for ONRSR for several years and remains a priority. Most recently ONRSR has facilitated important research into train visibility as part of a continuing focus on safety at regional level crossings. On the back of this research, in June 2023, Infrastructure and Transport Ministers tasked ONRSR with the development of a *Code of Practice: Train Visibility at Level Crossings*. ONRSR finalised the code of practice following a detailed period of stakeholder engagement with the document designed to set out train visibility expectations and provide industry with guidance on how to tailor assessment and treatment of the risks. The code will have legal standing, with evidence of compliance levels for rail operators being admissible in a proceeding as evidence of whether a rail operator has complied with the law. Its eventual introduction will be complemented by in-field compliance activities.

A final draft of the code was submitted to Infrastructure and Transport Ministers in mid-2024 for consideration and approval.

In the immediate aftermath of the Bindarra incident, Pacific National Chief Executive, Paul Scurrah called for a national roundtable to discuss safety at Australian level crossings. ONRSR was a key participant in the event, which was held in Brisbane on March 6, 2024, with Chief Executive, Dr. Natalie Pelham invited to lead sections of the

discussion, in particular relating to the sharing of data among all stakeholders and how it could be improved.

Among several agreed outcomes of the roundtable were a series of safety improvement measures that ONRSR is leading, all designed to contribute to improved safety at more than 23,000 level crossings around Australia.

Review of safety interface agreements

ONRSR has led a review of the specific requirements of, and overall effectiveness of, safety interface agreements between road and rail managers and provided the information to the National Transport Commission for input to the Review of the *Rail Safety National Law*.

Road managers, (councils or governments) and rail operators must seek to enter into an interface agreement in place for any shared rail or road crossing. This means they must identify the risks to safety and determine measures to minimise the risks So Far As Is Reasonably Practicable.

National education program

ONRSR and the National Heavy Vehicle Regulator will lead the establishment of a sustainable, national education program for safe driving around level crossings.

Collation of data to identify opportunities for sharing across road and rail.

ONRSR, the National Heavy Vehicle Regulator, Austroads, National Transport Research Organisation and the Australian Transport Safety Bureau will lead the collation of meta data, including the identification of data owners and gaps and opportunities to improve data sharing across organisations and industries. This work will also provide greater visibility of risk assessments for Heavy Vehicle General and Restricted Access Routes and how to capitalise on opportunities to improve ALCAM data quality and outputs to provide detailed level crossing mapping.

regulators all have a vital role to play. There is no silver bullet solution to this *wicked* problem. It requires the coordinated and concerted effort of all parties to implement a multi-faceted approach to manage the risks to safety at level crossings.

FINAL NOTE:

Safety at level crossings relies on significant coordination and action to manage the risks. Members of the public, rail transport operators, road transport industries, governments, emergency services and

CASE STUDY NATIONAL LEVEL CROSSING ROUNDTABLE AND ONRSR CODE OF PRACTICE: LEVEL CROSSINGS AND TRAIN VISIBILITY

The incident at Bindarra on New Year's Eve 2023, brought the issue of level crossing safety in Australia front of mind for members of the rail and road industries and the general public alike.

For the first time in many years, the issue was being discussed on a national level and an opportunity existed to drive meaningful discussion of the range of factors and safety strategies that must be employed to improve safety at more than 20,000 crossings across the country.

The brainchild of Pacific National Chief Executive, Paul Scurrah, the first National Level Crossing Roundtable was duly held in Brisbane in March 2024. From ONRSR's perspective it was an invaluable opportunity for both the road and rail industry to have conversations and identify actions to ensure lessons are learned and changes are made. With conversations based on the four focus areas of Australia's recently released National Level Crossing Safety Strategy 2023-2032, the number of people attending, and the diversity of sectors and roles really underscored the passion and coordination required to address level crossing safety. It is a shared responsibility which requires significant coordination to both identify and solve the problems.

ONRSR was one of many safety stakeholders who are now progressing initiatives to address the four focus areas - education and enforcement, assets, technology and innovation, data improvement and knowledge management and national coordination.

The roundtable was also an important forum for the discussion of *ONRSR's Code of Practice: Train Visibility at Level Crossings*. For the last two years, ONRSR has facilitated important research into train visibility as part of a continuing focus on safety at regional level crossings. On the back of this research, in June 2023, Australia's Infrastructure and Transport Ministers tasked ONRSR with the development of the *Code of Practice: Train Visibility at Level Crossings*.

The code was subsequently developed via engagement with subject matter experts, industry, unions and governments along with input from those with lived experience of level crossing collisions. Submitted to Ministers in mid 2024, the code of practice sets out train visibility expectations and provides industry with guidance on how to tailor assessment and treatment of the risks. The intention is for the code of to be complemented by in-field compliance activities. Compliance levels for rail operators are admissible in a proceeding as evidence of whether or not a rail operator has complied with the law.

FOCUS AREA

NATIONAL POLICY AND REFORM

NATIONAL TRANSPORT COMMISSION REVIEW: RAIL SAFETY NATIONAL LAW

In late June 2024, the National Transport Commission released its report following a detailed review of *Rail Safety National Law*.

The review came 11 years after RSNL was first introduced and ONRSR began operations as Australia's first national rail safety regulator. With a focus on how the law could best position ONRSR to deliver on its regulatory functions efficiently, and how it could support the National Rail Action Plan in the coming years, the review included consultation with 40 government, union and industry representatives and received another 18 written submissions from interested parties including the general public.

ONRSR welcomed the release of the final report the final report which concluded that:

"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."

The report goes on to list some 25 recommendations including:

- Increased transparency around ONRSR regulatory activities
- Increased safety promotion and education function based on national data insights
- A more proactive role for ONRSR in achieving interoperability outcomes and promoting innovation and productivity across the national rail network (where these can be balanced against delivery of safety improvements)
- Approved Code of Practice outlining evidence to demonstrate what meaningful consultation with unions and workers looks like
- ONRSR be granted additional powers to compel parties to enter into safety interface agreements (especially around level crossings) and developing an Approved Code of Practice to outline the requirements of effective agreements.

ONRSR is now considering the full report and will work with the NTC and other stakeholders to establish how to put the recommendations into practice, based on the high-level implementation plan included in the report.



ONRSR IN ACTION

RAIL INDUSTRY CONTEXT

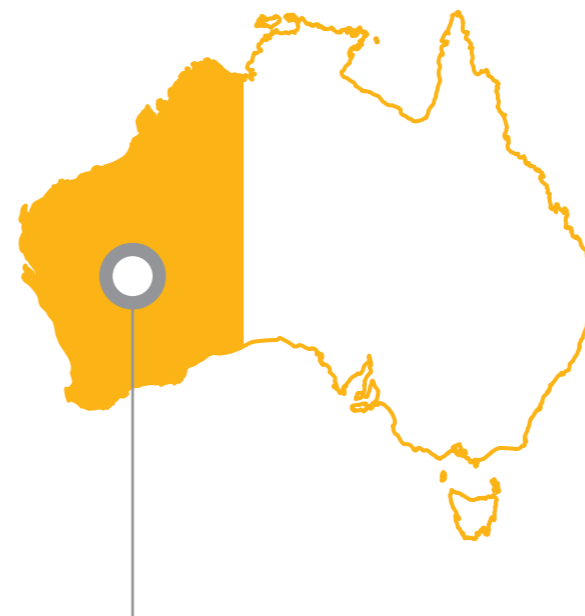
As at 30 June 2024 there were 199 operators accredited by ONRSR under *Rail Safety National Law* for operations in Australia.

SIGNIFICANT REGULATORY ACTIVITIES



SOUTH AUSTRALIA

- Following significant incidents, ONRSR has been monitoring how the Australian Rail Track Corporation (ARTC) understands the risks of changing climate and its impact on rail safety. With the risk of rail safety incidents as a result of extreme weather events now identified as a significant issue for ARTC, a clear strategy for improving its risk management approach was required. A program of works, now known as the Extreme Weather Improvement Program (EWIP) has been implemented. The EWIP consists of 12 work activities, each with documented objectives, key performance indicators and target completion dates. ONRSR continues to schedule regulatory inspections to review the detailed risk analysis and enhancement programme.
- In January 2024, tourist and heritage operator SteamRanger, travelling between Goolwa and Victor Harbor struck and fatally injured an elderly gentleman who was walking in the rail corridor. SteamRanger was advised to actively focus on 'what can be done' to reduce the likelihood of a reoccurrence. SteamRanger must be able to demonstrate that they have reviewed the risks, the effectiveness of existing controls and reviewed additional measures/treatments including those that are rejected.

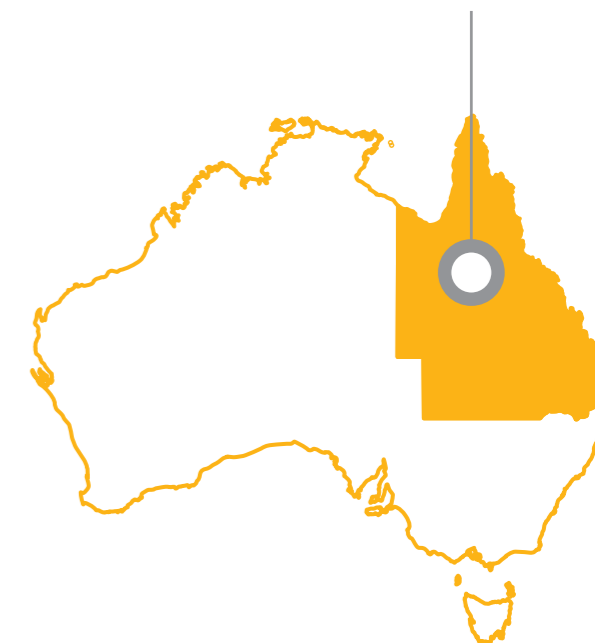


WESTERN AUSTRALIA

- On 13 May 2024, a collision occurred between an autonomous train and a loaded standing rake on a railway network in the Pilbara. ONRSR commenced an investigation into the cause of the collision to determine whether project change management practices had affected the operational safety of the autonomous system. The investigation into the matter is ongoing. ONRSR reviewed the immediate actions taken by the rail transport operator and followed up with a range of inspections to ensure appropriate corrective actions were taken.
- On 8 May 2023, the Regulator accepted an Enforceable Voluntary Undertaking (EVU) from Pacific National (PN) in response to four charges of contraventions of the *Rail Safety National Law*, following a fatal accident near Jumperkine, WA on 24 December 2019. The EVU contains six commitments that will be progressively delivered by PN over the next three years, including Fatigue Management, Driver Health & Wellbeing, and new technology trials. ONRSR has established regular monitoring meetings with PN and the independent assessor to ensure that the commitments are delivered on time and in a manner that provides for greatest safety improvement.

QUEENSLAND

- In 2020, a Queensland Rail passenger train narrowly avoided colliding with an excavator and as a result of the incident Queensland Rail entered into an Enforceable Voluntary Agreement (EVU). ONRSR has since conducted over 75 regulatory interactions to verify actions Queensland Rail has taken to satisfy the requirements of the EVU. Many of these actions have led to clear improvements in how track workers are protected from moving trains. Consequently, the EVU was discharged by The Regulator in May 2024.
- On 15 July 2023, a freight train collided with an unoccupied excavator left on track in Brisbane following the release of a track authority. ONRSR investigators deployed to the incident site to examine the site, rolling stock and plant involved. While ONRSR is still undertaking an investigation into this occurrence, significant changes have been made to who is responsible for managing safety at the Cross River Rail work sites. Additional actions have involved improved communication, undertaking additional assurance at worksites and developing training. ONRSR has continued its track worker safety inspection program to ensure the effectiveness of these actions.



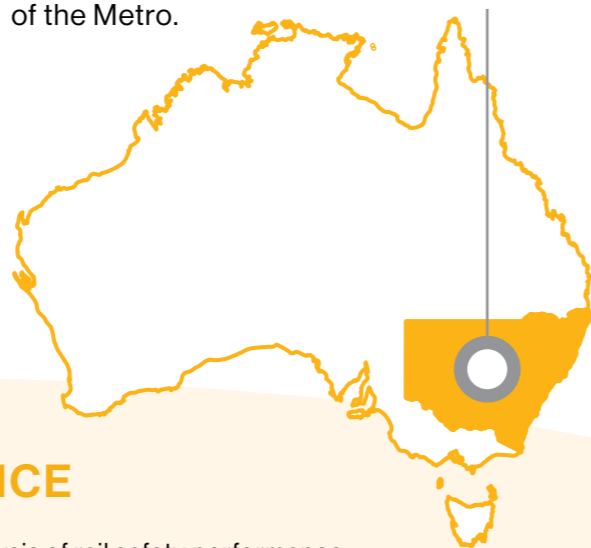


VICTORIA

- For several years, ONRSR has held safety concerns regarding the absence of door locking on the Comeng train fleet. ONRSR requested a safety case from the operator as to why the ongoing operation of the train without door locks could be considered safe, especially given an increase in forced door occurrences. A review of the safety argument submitted identified a number of key deficiencies that resulted in the issuing of two Improvement Notices. Subsequently, the operator reviewed and improved its safety case, which included a commitment to fund the installation of door locks on the Comeng fleet. This initiative is scheduled to commence in July 2024, with completion of the project occurring mid-2025.
- On 25 February 2024, two passenger trains narrowly avoided a head on collision on a single line bi-directional section of track from Upper Ferntree Gully to Ringwood. ONRSR immediately commenced an investigation into the matter, focusing on contributing factors and the controls in place by the rail transport operator to mitigate against the risk of a train-to-train collision. While the investigation remains ongoing, ONRSR continues to engage with the operator to ensure improvements are identified and implemented that will eliminate or minimise the risk of collision.

NEW SOUTH WALES

- In May 2023, a pedestrian suffered fatal injuries when attempting to cross the coupling area between two tram cars at Haymarket. While the incident remains under investigation, ONRSR has closely monitored the operator's response and has introduced additional reporting requirements for incidents involving pedestrians in the coupling area. Since the incident, the operator has also introduced several new or improved control measures, including procedural enhancements, clearer signage, and increased staff attendance at stops on the network to deter pedestrians from entering the coupling area. ONRSR continues to monitor the introduction of higher order, engineering controls.
- Throughout 2023-2024, ONRSR worked closely with the proponents of the Sydney Metro City and Southwest project to facilitate the expansion of the Sydney Metro Northwest railway to the CBD from Chatswood to Sydenham in preparation for passenger services. ONRSR has influenced improvements in safety assurance, asset management and emergency management processes and deliverables. Now operational, ONRSR's focus will shift to safety oversight of the Bankstown line conversion to enable Sydney Metro Southwest operations, as well as close monitoring of SMS improvement initiatives currently underway by the operator of the Metro.



CORPORATE PERFORMANCE 2023-2024



INDUSTRY SAFETY PERFORMANCE

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



ENVIRONMENTAL SOCIAL & GOVERNANCE REPORTING

At ONRSR, we see Environment, Social and Governance (ESG) reporting as an opportunity to further demonstrate how we deliver our contribution to productivity and wellbeing of Australian society through our role in administering the *Rail Safety National Law (RSNL)*.

We are committed to meeting the environmental, social and governance expectations of our stakeholders and this is reflected through engagement with our people and partners, our care for the planet and our adoption of good governance principles.

By sharing our impact in these areas, we hope to build even greater trust with our employees, stakeholders and the Australian community.





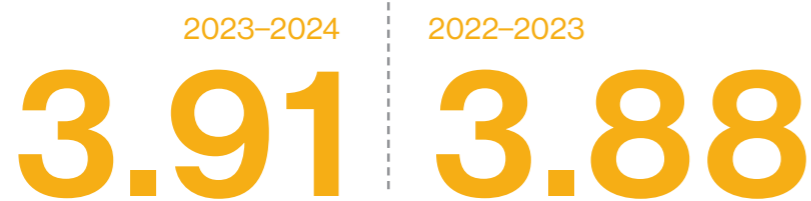
PEOPLE & PARTNERSHIPS

At ONRSR, we recognise the importance of our people and that we can only achieve our strategic objectives through them.

We invest in their development, so they have the skills and capabilities to succeed in their roles. We promote a workplace culture that is supportive, engaging and adaptive and one where diversity is embraced and alternative perspectives are valued. An ESG focus enables us to increase employee

engagement and motivation, enhance company culture, attract talent, and create a healthier and safer work environment contributing to employee retention and achieving our strategic objectives. We also seek to leverage our impact through partnerships with aligned organisations.

AVERAGE YEARS OF SERVICE

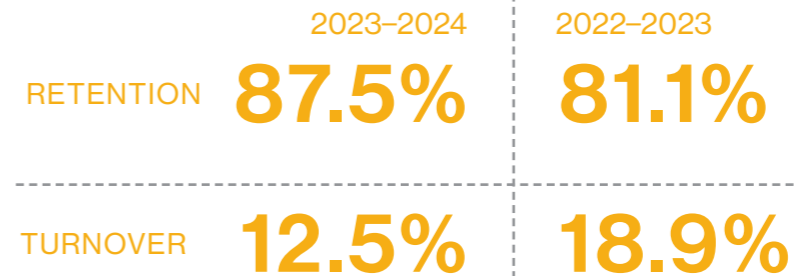


GENDER SPLIT OF KEY GOVERNANCE COMMITTEES

● FEMALE
● MALE

| | 2023-2024 | | 2022-2023 | |
|--------------------------------|-----------|---|-----------|---|
| ONRSR MEMBERS MEETING | 3 | 0 | 2 | 1 |
| EXECUTIVE MANAGEMENT COMMITTEE | 3 | 3 | 2 | 3 |

EMPLOYEE ENGAGEMENT AND SUPPORT



5%

OF STAFF ENGAGED IN PART-TIME EMPLOYMENT

Excludes staff that have exited due to expiry of Fixed Term Contracts, redundancy, retirement, or before completing probation.

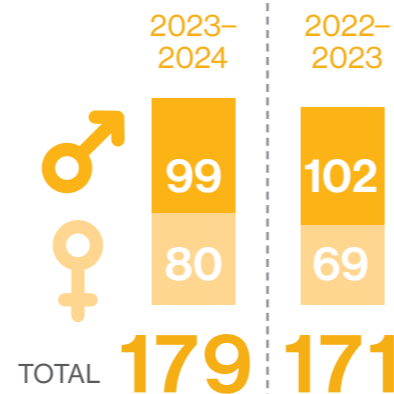
HYBRID WORKING POLICY & FLEXIBLE WORK ARRANGEMENTS



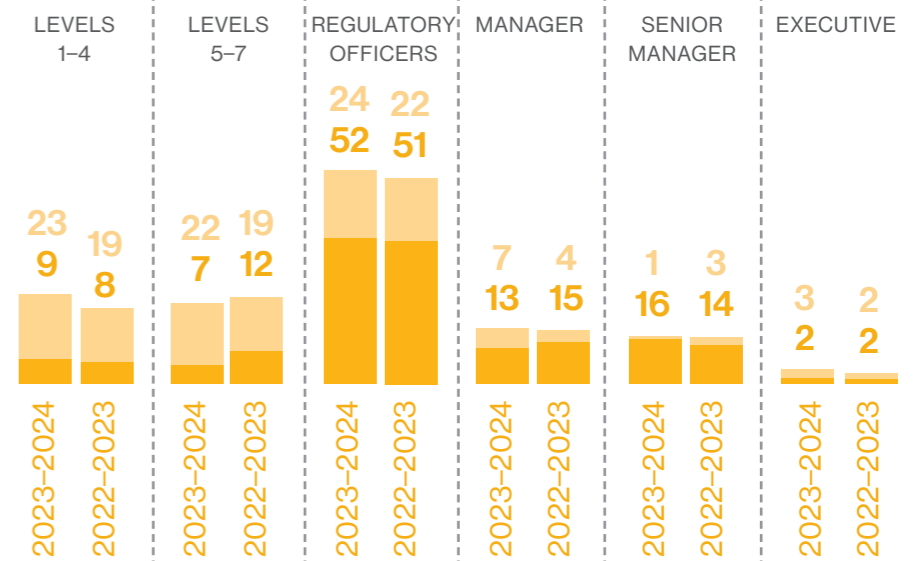
UP TO 18 WEEKS PARENTAL LEAVE AND A FLEXIBLE APPROACH TO RETURNING TO WORK

FTE

● FEMALE
● MALE



FTE SPLIT BY GRADE AND GENDER





PEOPLE & PARTNERSHIPS

LEARNING AND DEVELOPMENT

408
IN-HOUSE
LEARNING
OPPORTUNITIES

4,863
MICROLEARNING
VIDEOS

214
COURSES
COMPLETED
(LINKEDIN
LEARNING)

REGULATORY OFFICER TRAINING PROGRAM
37 **2,834** HOURS
NEW REGULATORY OFFICERS

REGULATORY OFFICER COMPETENCE
MAINTENANCE PROGRAM
84 **1,498** HOURS
RAIL SAFETY OFFICERS

ALL STAFF TRAINED
IN NEW PERSONAL
DEVELOPMENT PLAN

WGEA REPORTING
FOR SUBMISSION
IN 2025

HEALTH AND WELLBEING

25
HOURS
EAP
COUNSELLING



33
QUALIFIED
MENTAL
HEALTH FIRST
AID OFFICERS

DEFENSIVE DRIVER
TRAINING AND 4WD
TRAINING

79
STAFF HAVE
COMPLETED AT
LEAST ONE COURSE

DIVERSITY AND
INCLUSION ROAD MAP

PARTNERSHIPS

RAIL SAFETY
WEEK AND RAIL
R U OK? DAY

RAIL INDUSTRY
SAFETY AND
STANDARDS BOARD

ARA -
CONFERENCE
SUPPORT AND
PARTICIPATION

AUSTRALIAN
TRANSPORT
SAFETY BUREAU

NATIONAL
TRANSPORT
COMMISSION

WORKPLACE
SAFETY
AUTHORITIES

STATE /
FEDERAL
POLICE

DANGEROUS
GOODS
REGULATORS

ELECTRICAL
SAFETY
REGULATORS



35%
OF STAFF COMPLETED
ADDITIONAL ONRSR
eLEARNING

NEXT STOPS

IMPLEMENT
ONRSR
DIVERSITY,
EQUALITY &
INCLUSION
ROAD MAP

ONRSR
LEADERSHIP
EXCELLENCE
STRATEGY

EXTENDED
ONRSR
CAPABILITY
FRAMEWORK

ONRSR
CULTURE
PULSE
CHECK

ONRSR
STAFF
RECOGNITION
PROGRAM

GROW
AWARENESS
OF AND
RESPONSIVENESS
TO WORKPLACE
PSYCHOSOCIAL
HAZARDS

ONRSR
STAKEHOLDER
ENGAGEMENT
STRATEGY

ONRSR
PARTNERSHIPS
PROGRAM

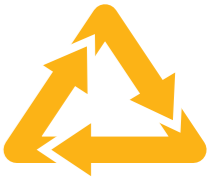
SAFETY
PROMOTIONS
PROGRAM



PLANET

At ONRSR, we strive to minimise our environmental impact in several ways through:

- Embracing digital work practices to reduce the need for paper
- Adopting remote work arrangements to reduce the impact of congestion and emissions
- Recycling and other office-based initiatives to reduce reliance on consumables
- Striking a balance between travel for field and other regulatory activities around the country against the use of online communication tools. Where there is a requirement for travel, ONRSR seeks to maximise the value generated through intelligent scheduling.



SORTED RECYCLING BINS

TRAVEL - FLIGHTS

DISTANCE TRAVELLED

| 2023-2024 | 2022-2023 |
|-------------|-------------|
| 1,740,537KM | 2,582,546KM |

TOTAL EMISSIONS

| 2023-2024 | 2022-2023 |
|-------------------------------|-------------------------------|
| 486.68 TONNES CO ² | 722.13 TONNES CO ² |

OFFICES



TOTAL OFFICES

| 2023-2024 | 2022-2023 |
|-----------|-----------|
| 7 | 7 |

AVERAGE NABERS RATING

| 2023-2024 | 2022-2023 |
|------------|------------|
| 4.4 ★★★★★★ | 4.5 ★★★★★★ |

TOTAL OFFICE SPACE

| 2023-2024 | 2022-2023 |
|---------------------|---------------------|
| 3,958M ² | 3,958M ² |

ONRSR VEHICLE FLEET

COMBINED TAILPIPE EMISSIONS

| ONRSR AVERAGE EMISSION | FEDERAL GOVERNMENT'S GREEN VEHICLE GUIDE AVERAGE |
|------------------------|--|
| 195G/KM | 182G/KM |

| | |
|--------------------------|---------|
| SUBARU FORESTER | 168G/KM |
| TOYOTA HILUX | 206G/KM |
| TOYOTA LANDCRUISER PRADO | 209G/KM |
| MITSUBISHI PAJERO SPORT | 212G/KM |
| HOLDEN COLORADO | 228G/KM |

FLEET PROFILE (VEHICLES)

| 2023-2024 | 2022-2023 |
|-----------|-----------|
| 11 | 11 |



5-STAR ANCAP SAFETY RATING ON ALL ONRSR VEHICLES

PRINTING



TREES

| 2023-2024 | 2022-2023 |
|-----------|-----------|
| 28.53 | 30.41 |

NEXT STOPS

3 HYBRID VEHICLES ORDERED TO REPLACE PETROL MODELS.

REDUCING CONSUMPTION OF OFFICE-BASED CONSUMABLES

ENHANCED ENVIRONMENTAL CREDENTIALS VIA LOCAL BUILDING MANAGERS, AND PROMOTION OF INTERNAL INITIATIVES.



PRINCIPLES OF GOVERNANCE

At ONRSR, we are committed to good governance principles which support effective and efficient operations and to meet our reporting obligations.

As an independent regulator, an effective governance framework for both our regulatory and corporate functions is essential to meet our own high expectations and those of our stakeholders. The ONRSR – consisting of the Regulator and 2 non-executive members – has oversight of governance supported by an Audit and Risk Committee and Executive Management Committee.

Other governance committees collectively deliver on key elements of our governance framework including work health and safety, staff consultation, IT and data management as well as business divisions and teams. Assurance of our governance framework, in particular risks and controls, is provided through internal and external audit.

ENHANCING THE CORPORATE GOVERNANCE FRAMEWORK IN LINE WITH THE 'GOVERNANCE LIGHTHOUSE' MODEL

ENHANCING THE INFORMATION MANAGEMENT FRAMEWORK, IN LINE WITH STATE RECORDS ACT



BESPOKE ETHICS IN REGULATION TRAINING COMPLETED BY 131 STAFF



MAINTENANCE OF A CORPORATE INSURANCE PORTFOLIO

INTRODUCTION OF 'PHRIENDLY PHISHING' CYBER SECURITY TRAINING

ALL STAFF COMPLETED ANNUAL ATTESTATIONS

MANAGEMENT OF CONFLICT OF INTEREST REGISTER

STRENGTHENING OF CYBER SECURITY POSTURE

KEY GOVERNANCE COMMITTEE MEETINGS

| | 2023-2024 | 2022-2023 |
|--------------------------------|-----------|-----------|
| ONRSR MEMBERS MEETING | 8 | 8 |
| AUDIT & RISK COMMITTEE | 4 | 4 |
| EXECUTIVE MANAGEMENT COMMITTEE | 11 | 11 |

ENTERPRISE RISK MANAGEMENT REGISTER

| REVIEWS CONDUCTED | TOTAL NUMBER RISKS | TOTAL OPEN ACTIONS | | | | | | | | | | | | |
|---|--------------------|--------------------|-----------|-----|---|-----------|-----|-----------|-----|---|-----------|----|-----------|----|
| <table border="1"> <tr><td>2023-2024</td><td>140</td></tr> <tr><td>2022-2023</td><td>115</td></tr> </table> | 2023-2024 | 140 | 2022-2023 | 115 | <table border="1"> <tr><td>2023-2024</td><td>109</td></tr> <tr><td>2022-2023</td><td>108</td></tr> </table> | 2023-2024 | 109 | 2022-2023 | 108 | <table border="1"> <tr><td>2023-2024</td><td>30</td></tr> <tr><td>2022-2023</td><td>58</td></tr> </table> | 2023-2024 | 30 | 2022-2023 | 58 |
| 2023-2024 | 140 | | | | | | | | | | | | | |
| 2022-2023 | 115 | | | | | | | | | | | | | |
| 2023-2024 | 109 | | | | | | | | | | | | | |
| 2022-2023 | 108 | | | | | | | | | | | | | |
| 2023-2024 | 30 | | | | | | | | | | | | | |
| 2022-2023 | 58 | | | | | | | | | | | | | |

FOI

NUMBER OF FOI REQUESTS RECEIVED

| 2023-2024 | 2022-2023 |
|-----------|-----------|
| 5 | 12 |

FOI REQUESTS RESPONDED TO WITHIN THE REQUIRED TIMEFRAME

| 2023-2024 | 2022-2023 |
|-----------|-----------|
| 5 | 12 |

INTERNAL AUDITS



COMPLETED

| 2023-2024 | 2022-2023 |
|-----------|-----------|
| 9 | 9 |

EXTERNAL AUDITS

AUDITOR GENERAL'S DEPARTMENT

| 2023-2024 | 2022-2023 |
|-----------|-----------|
| 1 | 1 |

CYBERCX

2023-2024

3

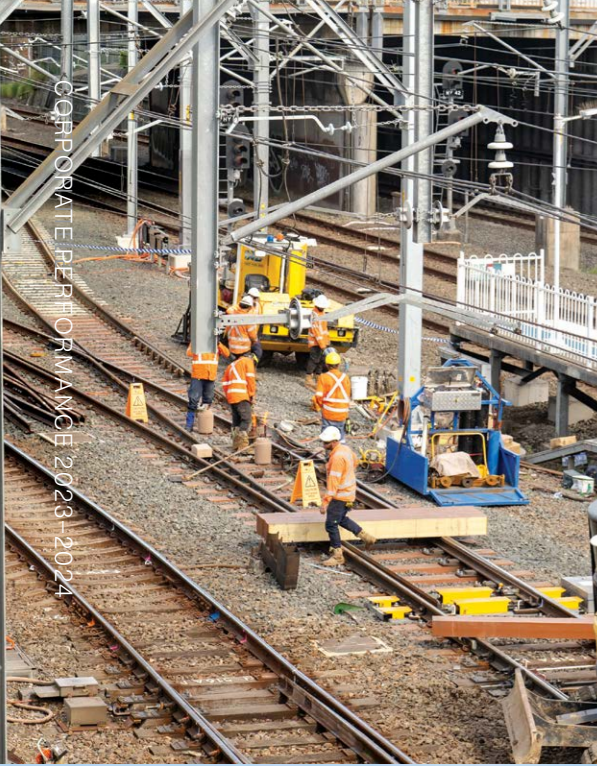
KPMG

2022-2023

1

NEXT STOPS

- REVISED ONRSR WAY
- IMPLEMENT THE RSNL REVIEW RECOMMENDATIONS
- DELIVER REVISED ONRSR COST RECOVERY MODEL
- REVIEW REGULATORY TOOLS, FUTURE SKILL SETS AND PROCESSES
- INTRODUCE A NEW ENTERPRISE RISK MANAGEMENT PLATFORM
- REVIEW CONTRACT MANAGEMENT FRAMEWORK
- REVIEW AND STRENGTHEN CYBER SECURITY



FINANCIAL REPORT

FINANCIAL SUMMARY 2023–24

ONRSR's detailed audited financial statements are on page 57 of this annual report. The financial statements are general purpose financial statements and have been prepared in accordance with:

- Section 36 and 43 of the *Rail Safety National Law*;
- Provisions of the Public Finance and Audit Act 1987 as modified by the *Rail Safety National Law National Regulations*; and
- Relevant Australian Accounting Standards.

As required by section 31(1)(b) of the *Public Finance and Audit Act 1987* and section 263 of the *Rail Safety National Law (South Australia) Act 2012*, the financial statements of the Office of the National Rail Safety Regulator (ONRSR) for the financial year ended 30 June 2024 have been audited by the Audit Office of South Australia (formerly the South Australian Auditor-General's Department).

For the financial year ending 30 June 2024 ONRSR reports an improved year on year deficit position of \$982k despite a \$2.7m under-recovery of fees. This under-recovery of fees resulted in ONRSR's underlying financial position being a \$3.5m deficit, only improved by the receipt of exceptional revenue items relating to court-awarded penalties and legal costs, as well as interest income.

ONRSR remains reliant on annual fees as its primary revenue source, approved via a Fee Regulation and consisting of contributions from industry (including major project fees) and state government sources. Annual fees for the 2023–24 year were lower than required to cover ONRSR's cost of regulation by \$2.7m due to the proposed 2023–24 fee regulation not being approved, holding annual fee rates at

2022–23 levels. This under-recovery was partially offset by the receipt of court awarded penalties and legal costs. The receipt of court awarded penalties are considered by ONRSR as 'ring-fenced' funds which are reserved for investment in ONRSR-led rail safety education initiatives and activities.

In the context of a challenging financial year, with lower than required revenue from annual fees, ONRSR maintained expenditure flat year on year in spite of increasing cost pressures. This was achieved primarily through holding higher levels of staff vacancy rates during the year, prudently managing travel expenditure and via lower external legal and consultancy fees. In addition, several longer-term strategic IT initiatives were rephased to defer costs to subsequent years.

ONRSR's cash reserves have been broadly maintained at the same level despite a \$2.7m under-recovery in cost of regulation and a challenging year. As ONRSR is financially independent, the organisation is required to maintain a prudent level of cash reserves to ensure it remains financially viable and able to meet its financial commitments. ONRSR relies on generating investment income to sustain cash reserves and fund strategic initiatives which are additional to core regulatory activities. Of the \$23.6m in cash reserves held at 30 June 2024, \$19.7m is committed or ring-fenced for specific purposes and obligations. The level of uncommitted cash reserves is currently lower than that which ONRSR would consider to be prudent for a not-for-profit entity, being the equivalent to support at least six months' operations. In coming financial years ONRSR seeks to maintain and build its cash reserves, and continue to self-fund strategic initiatives where possible, through revenue derived from the investment of funds.

INDEPENDENT AUDITOR'S REPORT



Government of South Australia
Audit Office of South Australia

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

To the Chief Executive Office of the National Rail Safety Regulator

Opinion

I have audited the financial report of the Office of the National Rail Safety Regulator for the financial year ended 30 June 2024.

In my opinion, the accompanying financial report gives a true and fair view of the financial position of the Office of the National Rail Safety Regulator as at 30 June 2024, its financial performance and its cash flows for the year then ended under the provisions of the *Public Finance and Audit Act 1987*, the *Rail Safety National Law (South Australia) Act 2012*, and Australian Accounting Standards - Simplified Disclosures.

The financial report comprises:

- a Statement of Comprehensive Income for the year ended 30 June 2024
- a Statement of Financial Position as at 30 June 2024
- a Statement of Changes in Equity for the year ended 30 June 2024
- a Statement of Cash Flows for the year ended 30 June 2024
- notes, comprising material accounting policy information and other explanatory information
- a Certificate from the Chief Executive and the Executive Director, Corporate Services.

Basis for opinion

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

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

Responsibilities of the Chief Executive for the financial report

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

In preparing the financial report, the Chief Executive is responsible for assessing the Office of the National Rail Safety Regulator's ability to continue as a going concern. The Chief Executive is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the assessment indicates that it is not appropriate.

Auditor's responsibilities for the audit of the financial report

As required by section 31(1)(b) of the *Public Finance and Audit Act 1987* and section 43(3) of the Schedule to the *Rail Safety National Law (South Australia) Act 2012*, I have audited the financial report of the Office of the National Rail Safety Regulator for the financial year ended 30 June 2024.

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

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

- identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control

- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Office of the National Rail Safety Regulator's internal control
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Chief Executive
- conclude on the appropriateness of the Chief Executive's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify the opinion. My conclusion is based on the audit evidence obtained up to the date of the auditor's report. However, future events or conditions may cause an entity to cease to continue as a going concern
- evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation

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

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



Daniel O'Donohue
Assistant Auditor-General

9 September 2024

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

CERTIFICATION OF THE FINANCIAL STATEMENTS

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

- comply with Section 263 of the *Rail Safety National Law (South Australia) Act 2012* and Regulation 48 of *Rail Safety National Law National Regulations 2012*, and relevant Australian Accounting Standards;
- are in accordance with the accounts and records of the Office of the National Rail Safety Regulator; and
- present a true and fair view of the financial position of the Office of the National Rail Safety Regulator as at 30 June 2024 and the results of its operation and cash flows for the financial year.

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



Chief Executive

2/9/2024



Executive Director - Corporate Services

2/9/2024

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

STATEMENT OF COMPREHENSIVE INCOME

For the year ended 30 June 2024

| | Note | 2024 \$'000 | 2023 \$'000 |
|-----------------------------------|------|----------------|----------------|
| Income: | | | |
| Revenues from fees and charges | 4 | 40,547 | 40,137 |
| Interest revenues | 5 | 1,305 | 852 |
| Other income | 6 | 1,357 | 781 |
| Total income | | 43,209 | 41,770 |
| Expenses: | | | |
| Employee related expenses | 7 | 30,502 | 28,956 |
| Supplies and services | 8 | 10,678 | 11,401 |
| Depreciation and amortisation | 9 | 2,901 | 3,333 |
| Finance costs | 10 | 106 | 132 |
| Other expenses | 11 | 4 | 1,117 |
| Total expenses | | 44,191 | 44,939 |
| Net result | | (982) | (3,169) |
| Total comprehensive result | | (982) | (3,169) |

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

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

STATEMENT OF FINANCIAL POSITION

As at 30 June 2024

| | Note | 2024 \$'000 | 2023 \$'000 |
|--------------------------------------|------|----------------|----------------|
| Current assets: | | | |
| Cash and cash equivalents | 12 | 13,625 | 13,051 |
| Receivables | 13 | 1,693 | 1,057 |
| Other financial assets | 14 | 10,000 | 10,000 |
| Total current assets | | 25,318 | 24,108 |
| Non-current assets: | | | |
| Property, plant and equipment | 15 | 6,386 | 8,672 |
| Intangible assets | 16 | - | - |
| Total non-current assets | | 6,386 | 8,672 |
| Total assets | | 31,704 | 32,780 |
| Current liabilities: | | | |
| Payables | 18 | 1,270 | 1,068 |
| Financial liabilities | 19 | 2,364 | 2,249 |
| Employee related liabilities | 20 | 4,806 | 4,805 |
| Provisions | 21 | 530 | - |
| Other liabilities | 22 | 1,253 | - |
| Total current liabilities | | 10,223 | 8,122 |
| Non-current liabilities: | | | |
| Financial liabilities | 19 | 2,554 | 4,778 |
| Employee related liabilities | 20 | 864 | 728 |
| Provisions | 21 | 1,112 | 1,219 |
| Total non-current liabilities | | 4,530 | 6,725 |
| Total liabilities | | 14,753 | 14,847 |
| Net assets | | 16,951 | 17,933 |
| Equity: | | | |
| Retained earnings | | 16,951 | 17,933 |
| Total equity | | 16,951 | 17,933 |

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

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

STATEMENT OF CHANGES IN EQUITY

For the year ended 30 June 2024

| | Note | Asset revaluation reserve \$'000 | Retained earnings \$'000 | Total equity \$'000 |
|---|------|--|-----------------------------|------------------------|
| Balance as at 1 July 2022 | | 157 | 20,945 | 21,102 |
| Error correction | 17 | (157) | 157 | - |
| Restated balance as at 1 July 2022 | | - | 21,102 | 21,102 |
| Net result | | - | (3,169) | (3,169) |
| Balance as at 30 June 2023 | | - | 17,933 | 17,933 |
| Net result | | - | (982) | (982) |
| Balance as at 30 June 2024 | | - | 16,951 | 16,951 |

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

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

STATEMENT OF CASH FLOWS

For the year ended 30 June 2024

| | Note | 2024 \$'000 | 2023 \$'000 |
|--|------|-----------------|-----------------|
| Cash flows from operating activities: | | | |
| <i>Cash outflows</i> | | | |
| Employee related payments | | (30,208) | (29,440) |
| Payments for supplies and services | | (12,062) | (12,366) |
| Interest paid on finance costs | | (106) | (132) |
| Cash used in operations | | (42,376) | (41,938) |
| <i>Cash inflows</i> | | | |
| Fees and charges received | | 40,522 | 40,140 |
| Interest received | | 1,297 | 655 |
| Receipts from grants | | 1,281 | - |
| GST recovered from the ATO | | 1,183 | 1,303 |
| Other receipts | | 1,045 | 893 |
| Cash generated from operations | | 45,328 | 42,991 |
| Net cash provided by operating activities | | 2,952 | 1,053 |
| Cash flows from investing activities: | | | |
| <i>Cash outflows</i> | | | |
| Purchase of property, plant and equipment | | (14) | - |
| Cash used in investing activities | | (14) | - |
| <i>Cash inflows</i> | | | |
| Proceeds from sale of financial instruments | | - | 4,000 |
| Cash generated from investing activities | | - | 4,000 |
| Net cash (used in)/provided by investing activities | | (14) | 4,000 |
| Cash flows from financing activities: | | | |
| <i>Cash outflows</i> | | | |
| Repayment of principal portion of lease liabilities | | (2,364) | (2,155) |
| Cash used in financing activities | | (2,364) | (2,155) |
| Net increase in cash and cash equivalents | | 574 | 2,898 |
| Cash and cash equivalents at 1 July | | 13,051 | 10,153 |
| Cash and cash equivalents at 30 June | 12 | 13,625 | 13,051 |

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

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

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

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

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

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

2. Material accounting policy information

(a) Statement of compliance

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

The financial statements are general purpose financial statements.

The financial statements have been prepared in accordance with relevant Australian Accounting Standards, applying simplified disclosures.

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

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

(b) Basis of preparation

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

(c) Comparative information

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

(d) Rounding

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

(e) Taxation

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

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

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

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

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

Cash flows are included in the Statement of Cash Flows on a gross basis and the GST component of cash flows arising from investing and financing activities, which is recoverable from, or payable to, the Australian Taxation Office is classified as part of operating cash flows.

(f) Current and non-current asset classification

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

3. New and revised accounting standards and policies

Australian Accounting Standards and Interpretations that have recently been issued or amended but are not yet effective have not been adopted by ONRSR for the year ended 30 June 2024. ONRSR has assessed the impact of the new or changed Australian Accounting Standards and interpretations not yet implemented and has determined they will not have any material effect on ONRSR's financial statements.

4. Revenue from fees and charges

| | 2024 | 2023 |
|---|---------------|---------------|
| | \$'000 | \$'000 |
| Revenue from accreditations | 77 | 77 |
| Revenue from major projects | 1,814 | 1,724 |
| Revenue from annual fees from industry and government | 38,656 | 38,336 |
| Total revenue from fees and charges | 40,547 | 40,137 |

Revenues from fees and charges are derived from the annual fees and other fees and charges payable by industry and state governments, and are recognised as income in the reporting period when revenues are due in accordance with AASB 1058 *Income of Not-for-Profit Entities*.

5. Interest

| | 2024 | 2023 |
|--------------------------------|--------------|------------|
| | \$'000 | \$'000 |
| Interest received | 1,305 | 852 |
| Total interest revenues | 1,305 | 852 |

Interest is recognised using the effective interest rate method.

6. Other income

| | 2024 | 2023 |
|------------------------------|--------------|------------|
| | \$'000 | \$'000 |
| Penalties received | 864 | 16 |
| Sale of assets | 5 | 9 |
| Reimbursement of legal costs | 363 | 676 |
| Reimbursement of other costs | 96 | 80 |
| Grants | 29 | - |
| Total other income | 1,357 | 781 |

Penalties received and reimbursement of legal costs are awarded to ONRSR by the Courts through prosecutions by the Regulator in accordance with section 220 of the Law.

Grant income is recognised in the reporting period in line with progress towards the satisfaction of contractual performance obligations in accordance with AASB 15 *Revenue from Contracts with Customers*, and relates to the Commonwealth-sourced grant for the Level Crossing Safety Data Improvement Project.

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

7. Employee related expenses

| | 2024 | 2023 |
|---|---------------|---------------|
| | \$'000 | \$'000 |
| Salaries and wages | 23,316 | 22,517 |
| Annual leave | 2,024 | 1,774 |
| Long service leave | 607 | 521 |
| Separation and redundancy payments | 71 | - |
| Employment on-costs - superannuation ¹ | 2,765 | 2,525 |
| Employment on-costs - other | 1,518 | 1,455 |
| Workers compensation | 201 | 164 |
| Total employee related expenses | 30,502 | 28,956 |

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

Accounting policies for employee related expenses are contained in note 20.

8. Supplies and services

| | 2024 | 2023 |
|------------------------------------|---------------|---------------|
| | \$'000 | \$'000 |
| Consultants | 540 | 859 |
| Contractor fees | 1,509 | 2,343 |
| Information Technology | 4,573 | 2,564 |
| Insurance | 552 | 534 |
| Legal costs ¹ | 509 | 1,020 |
| Property | 766 | 841 |
| Training and development | 256 | 576 |
| Travelling expenses | 1,116 | 1,685 |
| Drug and alcohol testing | 237 | 253 |
| Other ² | 620 | 726 |
| Total supplies and services | 10,678 | 11,401 |

¹ Legal costs primarily relate to prosecution proceedings initiated by the Regulator in accordance with section 220 of the Law.

² Other expenses include audit fees paid / payable to the Audit Office of South Australia (AOSA) relating to work performed under the *Public Finance and Audit Act 1987* of \$53,300 (2023: \$57,600). During the year no other services were provided by AOSA to ONRSR.

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

9. Depreciation and amortisation

| | 2024 | 2023 |
|--|--------------|--------------|
| | \$'000 | \$'000 |
| Fixtures and fittings | 35 | 44 |
| Computer equipment | 42 | 45 |
| Computer software | - | 433 |
| Leasehold improvements | 621 | 621 |
| Right-of-use assets | 2,203 | 2,190 |
| Total depreciation and amortisation | 2,901 | 3,333 |

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

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

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

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

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

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

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

Depreciation on fixtures and fittings is calculated using the diminishing value method, with an estimated useful life of between 10 and 20 years.

10. Finance costs

| | 2024 | 2023 |
|---------------------------------------|------------|------------|
| | \$'000 | \$'000 |
| Interest expense on lease liabilities | 106 | 132 |
| Total finance costs | 106 | 132 |

11. Other expenses

| | 2024 | 2023 |
|---|----------|--------------|
| | \$'000 | \$'000 |
| Impairment of intangible assets | - | 1,076 |
| Net loss on disposal of intangible assets | - | 2 |
| Net loss on disposal of property, plant and equipment | 4 | 38 |
| Impairment loss on receivables | - | 1 |
| Total other expenses | 4 | 1,117 |

Information regarding the impairment of intangible assets during the year ended 30 June 2023 is contained in note 16.

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

12. Cash and cash equivalents

| | 2024 | 2023 |
|--|---------------|---------------|
| | \$'000 | \$'000 |
| Cash at bank | 13,625 | 13,051 |
| Total cash and cash equivalents | 13,625 | 13,051 |

Cash at bank is available on demand and recognised at its nominal amount.

13. Receivables

| | 2024 | 2023 |
|----------------------------------|--------------|--------------|
| | \$'000 | \$'000 |
| Current | | |
| Accounts receivable | 31 | 3 |
| Less: Impairment loss allowance | - | (1) |
| Prepayments | 858 | 697 |
| Accrued interest | 238 | 251 |
| Accrued revenue | 434 | - |
| Security deposit | 5 | 5 |
| GST input tax receivable | 127 | 102 |
| Total current receivables | 1,693 | 1,057 |

Movement in impairment loss allowance

An impairment loss allowance is recognised when there is objective evidence (based upon past experience and current and expected changes in client credit rating) that an account receivable has become impaired.

As at 30 June 2024 all accounts receivable are assessed as collectable, and no impairment loss allowance has recognised (2023: allowance of \$1,000).

| | 2024 | 2023 |
|---|----------|----------|
| | \$'000 | \$'000 |
| Carrying amount at the beginning of the period | 1 | - |
| Increase in allowance recognised in profit and loss | - | 1 |
| Amounts written off | - | - |
| Amount recovered during the year | 1 | - |
| Carrying amount at the end of the period | - | 1 |

Receivables arise from the collection of fees from industry and state governments. Receivables are generally settled within 30 days of an invoice being issued.

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

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

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

14. Other financial assets

| | 2024 | 2023 |
|-------------------------------------|---------------|---------------|
| | \$'000 | \$'000 |
| Terms deposits - amortised cost | 10,000 | 10,000 |
| Total other financial assets | 10,000 | 10,000 |

Term deposits carry an average fixed interest rate of 5.10%, with an original maturity date of approximately 6 months and mature within 1 month of balance date. Term deposit investments are those with original maturities beyond those which are considered short-term (assessed as 3 months or less from the date of acquisition) and, other than at original maturity, are not considered readily convertible to known amounts of cash which are subject to an insignificant risk of changes in value due to requirements relating to notice periods and interest penalties imposed by the issuing institution.

15. Property, plant and equipment

| | 2024 | 2023 |
|--|--------------|--------------|
| | \$'000 | \$'000 |
| Leasehold improvements | | |
| At cost | 5,466 | 4,778 |
| Accumulated depreciation | (3,676) | (2,875) |
| Total leasehold improvements | 1,790 | 1,903 |
| Fixtures and fittings | | |
| At cost | 732 | 721 |
| Accumulated depreciation | (372) | (345) |
| Total fixtures and fittings | 360 | 376 |
| Computer equipment | | |
| At cost | 218 | 218 |
| Accumulated depreciation | (196) | (154) |
| Total computer equipment | 22 | 64 |
| Right-of-use assets | | |
| At cost | 14,847 | 15,007 |
| Accumulated depreciation | (10,633) | (8,678) |
| Total right-of-use assets | 4,214 | 6,329 |
| Total property, plant and equipment | 6,386 | 8,672 |

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

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

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

Items of property, plant and equipment are derecognised upon disposal or when no further future economic benefits are expected from its use or disposal (refer note 6).

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

ONRSR's leases are for office accommodation in Adelaide, Brisbane, Darwin, Hobart, Melbourne, Perth and Sydney as well as 11 motor vehicles to support ONRSR's operational activities across those locations. Office leases are non-cancellable with terms ranging up to 10 years and rent payable monthly in advance. Office accommodation lease payments are increased annually in accordance with the terms of the lease agreement and no options exist to renew the leases at the end of their term. Motor vehicle leases are non-cancellable terms ranging up to five years and rental payable monthly in advance, with lease payments fixed over the term of the lease and no options exist to renew the leases at the end of their term.

Impairment

There were no indications of impairment of property, plant and equipment or right-of-use assets at 30 June 2024.

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

16. Intangible assets

| | 2024 | 2023 |
|--|----------|----------|
| | \$'000 | \$'000 |
| Computer software | | |
| Internally developed computer software | - | 16 |
| Accumulated amortisation | - | (16) |
| | - | - |
| Other computer software | - | 622 |
| Accumulated amortisation | - | (622) |
| | - | - |
| Total computer software | - | - |
| Total intangible assets | - | - |

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

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

Intangible assets are derecognised upon disposal or when no further future economic benefits are expected from its use or disposal. During the year ended 30 June 2023 ONRSR determined that it would replace its core regulatory platform 'RegIS' with an alternative solution and accordingly reduced the carrying value of that previously recognised intangible asset to zero.

17. Asset movement reconciliation 2024

| | Leasehold improvements | Fixtures and fittings | Computer equipment | Intangible assets | Right-of-use assets | Total |
|--|------------------------|-----------------------|--------------------|-------------------|---------------------|--------------|
| 2024 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 |
| Carrying amount at 1 July 2023 | 1,903 | 376 | 64 | - | 6,329 | 8,672 |
| Prior year adjustment | 85 | - | - | - | (85) | - |
| Additions | - | 23 | - | - | 86 | 109 |
| Disposals | - | (4) | - | - | - | (4) |
| Remeasurement | 423 | - | - | - | 87 | 510 |
| Depreciation/amortisation | (621) | (35) | (42) | - | (2,203) | (2,901) |
| Carrying amount at 30 June 2024 | 1,790 | 360 | 22 | - | 4,214 | 6,386 |

During the year ONRSR identified accounting entries made prior to 1 July 2022 relating to leasing arrangements for one of its office premises which were not in accordance with currently applicable accounting standards. This item, which is not considered to be material, has been addressed through a prior period adjustment with the net impact of:

- a reclassification within the Statement of Financial Position of \$85,470 from Right-of-Use Assets to Leasehold Improvements, and
 - a reclassification within equity of \$156,919 from the Asset Revaluation Reserve to Retained Earnings.
- This item reflects a reclassification only, with no impact on net profit or loss in any period.

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

18. Payables

| | 2024 | 2023 |
|------------------------------------|--------------|--------------|
| | \$'000 | \$'000 |
| Current | | |
| Creditors | 351 | 202 |
| Accrued expenses | 776 | 684 |
| Employee on-costs ¹ | 135 | 169 |
| Paid Parental Leave Scheme payable | - | 7 |
| FBT payable | 8 | 6 |
| Total current payables | 1,270 | 1,068 |

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

All payables are measured at their nominal amounts, are unsecured and are generally settled within 30 days of an invoice being received.

19. Financial Liabilities

| | 2024 | 2023 |
|--|--------------|--------------|
| | \$'000 | \$'000 |
| Current | | |
| Lease liabilities | 2,364 | 2,249 |
| Total current financial liabilities | 2,364 | 2,249 |
| Non-current | | |
| Lease liabilities | 2,554 | 4,778 |
| Total non-current financial liabilities | 2,554 | 4,778 |
| Total financial liabilities | 4,918 | 7,027 |

Lease liabilities represent the present value of future lease payments measured in accordance with AASB 16 *Leases*, using the discount rate implicit in the lease.

A maturity analysis of lease liabilities based on undiscounted gross cash flows is provided in the table below.

| | 2024 | 2023 |
|--|--------------|--------------|
| | \$'000 | \$'000 |
| Maturity analysis - lease liabilities undiscounted cash flows | | |
| Within one year | 2,430 | 2,346 |
| Later than one year but no longer than five years | 2,595 | 4,874 |
| Total | 5,025 | 7,220 |

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

20. Employee related liabilities

| | 2024 | 2023 |
|---|--------------|--------------|
| | \$'000 | \$'000 |
| Current | | |
| Accrued salaries and wages | 1,016 | 931 |
| Annual leave | 1,581 | 1,631 |
| Long service leave | 2,209 | 2,243 |
| Total current employee related liabilities | 4,806 | 4,805 |
| Non-current | | |
| Long service leave | 864 | 728 |
| Total non-current employee related liabilities | 864 | 728 |
| Total employee related liabilities | 5,670 | 5,533 |

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

- *Short term employee related obligations*

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

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

- *Other long-term employee related obligations*

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

21. Provisions

| | 2024 | 2023 |
|--|--------------|--------------|
| | \$'000 | \$'000 |
| Make Good | | |
| Carrying amount at the beginning of the period | 1,219 | 1,219 |
| Remeasurement | 423 | - |
| Carrying amount at the end of the period | 1,642 | 1,219 |
| Classified as: | | |
| Current | | |
| Make Good | 530 | - |
| Total current provisions | 530 | - |
| Non-current | | |
| Make Good | 1,112 | 1,219 |
| Total non-current provisions | 1,112 | 1,219 |
| Total provisions | 1,642 | 1,219 |

Agreements for the leasing of premises contain provisions which obligate ONRSR to restore those premises to their original condition at the conclusion of the lease. ONRSR has made a Make Good provision to reflect the present value of that obligation in accordance with AASB 137 *Provisions, Contingent Liabilities and Contingent Assets* - during the year an independent valuer was engaged to independently determine the present value as at 30 June 2024 of the expected amount required to fulfil this future liability. This valuation takes into account expected increases in cost with reference to the 5-year average annual change in the building price index for the relevant capital city, and discounts to present value using the relevant Commonwealth bond rate aligning with the timing of the make good obligation.

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

22. Other liabilities

| | 2024 | 2023 |
|--------------------------------|--------------|----------|
| | \$'000 | \$'000 |
| Current | | |
| Contract liability | 1,253 | - |
| Total other liabilities | 1,253 | - |

Contract liability relates to a Commonwealth-sourced grant for the Level Crossing Safety Data Improvement Project. Funding under this grant will be recognised as revenue as ONRSR achieves its performance obligations under the grant agreement.

23. Unrecognised contractual commitments**Expenditure commitments - non-capital**

| | 2024 | 2023 |
|---|--------------|------------|
| | \$'000 | \$'000 |
| Within one year | 1,133 | 120 |
| Later than one year but no longer than five years | 106 | 13 |
| Total other commitments | 1,239 | 133 |

Amounts disclosed include commitments arising from IT and telephony licensing, maintenance and services agreements, other service providers and short-term and low value leases not recognised in accordance with AASB 16 *Leases*.

24. Contingent assets and liabilities

Contingent assets and liabilities of ONRSR most commonly relate to prosecutions initiated by the Regulator in accordance with section 220 of the Law, but which are not yet complete as at balance date. If the Regulator is successful in such matters, ONRSR will be entitled to seek an order for up to one half of any fines imposed by the Courts as a penalty against the defendants, with ONRSR also having the opportunity to seek an order for its external legal costs. If the Regulator is unsuccessful, costs may be awarded against ONRSR.

There were no prosecutions initiated by the Regulator prior to 30 June 2024 which had not been determined as at that date.

25. Events after the reporting period

There has not arisen in the interval between the end of the financial year and the date of this report any item, transaction or event of a material and unusual nature likely to significantly affect the operations of ONRSR, the results of those operations, or the state of affairs of ONRSR, in subsequent financial years.

26. Key management personnel

Key management personnel of ONRSR include the Regulator, Non Executive Members and Executive Directors who have responsibility for the strategic direction and management of ONRSR, including personnel acting in those roles on a temporary basis. For the year ended 30 June 2024 the total number of key management personnel was 9 (2023: 10), who were collectively awarded total compensation of \$2.037 million (2023: \$2.306 million).

Transactions with key management personnel

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

27. Related party transactions

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

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

28. Financial instruments**Categorisation of financial instruments**

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

| | 2024 | 2023 |
|---|---------------|---------------|
| | \$'000 | \$'000 |
| Financial assets: | | |
| Financial assets | | |
| Cash and cash equivalents | 13,625 | 13,051 |
| Financial assets at amortised cost | | |
| Term deposits | 10,000 | 10,000 |
| Receivables | 708 | 258 |
| Total financial assets | 24,333 | 23,309 |
| Financial liabilities: | | |
| Financial liabilities at amortised cost | | |
| Payables | 1,074 | 828 |
| Lease liabilities | 4,918 | 7,027 |
| Total financial liabilities | 5,992 | 7,855 |
| Net gain or loss on financial assets: | | |
| Cash and cash equivalents | | |
| Interest on cash and cash equivalents | 837 | 455 |
| Financial assets | | |
| Interest on term deposits | 468 | 397 |
| Net gain on financial assets | 1,305 | 852 |
| Net gain or loss on financial liabilities: | | |
| Lease Liabilities | | |
| Interest expense on lease liabilities | (106) | (132) |
| Net (loss) on financial liabilities | (106) | (132) |

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

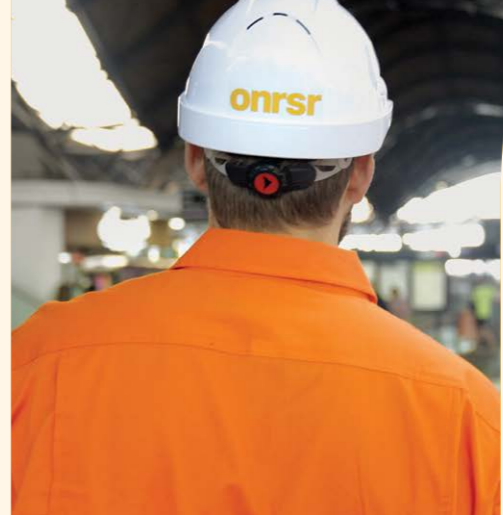
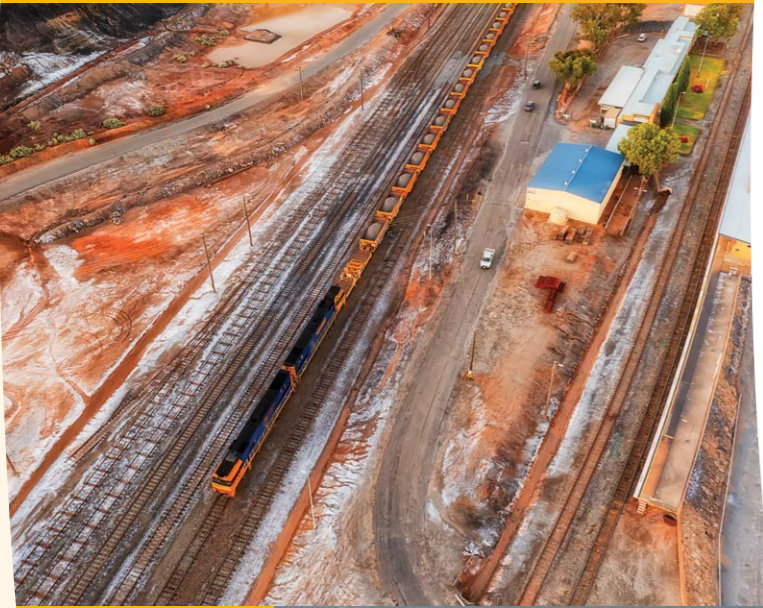
Receivables amount disclosed here excludes prepayments and security deposits. Prepayments are presented in note 13 receivables in accordance with paragraph 78 (b) of AASB 101 *Presentation of Financial Statements*. Prepayments are not financial assets as defined in AASB 132 *Financial Instruments: Presentation* as the future economic benefit of these assets is the receipt of goods and services rather than the right to receive cash or another financial asset.

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

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

Financial assets are assessed for impairment at each balance date.

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



APPENDICES

APPENDIX 1

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR FREEDOM OF INFORMATION REPORT 2023-2024

in accordance with section 54AA of the FOI Act

(as modified by the RSNL National Regulations)

ACCREDITED FOI OFFICERS:

As the principal officer of ONRSR, Dr. Natalie Pelham is an accredited FOI officer, and has designated the following persons as accredited FOI officers:

Anne-Marie Edmonds

anne-marie.edmonds@onrsr.com.au

Mick O'Neill

michael.oneill@onrsr.com.au

Cathy Ray

cathy.ray@onrsr.com.au

Sasha Viergever

sasha.viergever@onrsr.com.au

PO Box 3461, Rundle Mall
Adelaide SA 5000

08 8406 1500

FREEDOM OF INFORMATION STATEMENT 2023–2024

INTRODUCTION

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

OVERSIGHT COMPLIANCE

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

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

South Australian Government, the modifications made by the RSNL National Regulations applies this Act as if ONRSR were an Agency for the purpose of FOI.

Information regarding freedom of information can be found on the South Australian State Records website.

MAKING A FREEDOM OF INFORMATION APPLICATION

Under the FOI Act, ONRSR has obligations to ensure that certain information concerning its operations is readily available. Additionally, members of the public and Members of Parliament are conferred a legally enforceable right to be given access to documents held by ONRSR, subject to some exemptions in the FOI Act.

Some of these exemptions have a public interest test (as prescribed in the FOI Act). Under the FOI Act, members of the public may also seek amendment to ONRSR's documents records concerning his or her personal affairs.

A comprehensive introduction to freedom of information can be found on the State Records of South Australia website.

REQUESTING ACCESS OR AMENDMENT TO ONRSR RECORDS

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

Requests for access made under the FOI Act must:

- be in writing
- specify that it is made under the FOI Act
- provide enough information to enable the requested document(s) to be identified
- include an address and telephone number at which you can be contacted in Australia
- indicate the type of access being sought (e.g. inspection of a document or a copy of the document)
- be accompanied by the application fee of \$40.75 (current July 2024)

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

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

ONRSR POLICY: FREEDOM OF INFORMATION

Once a FOI application or request is received, ONRSR will process and determine it in accordance with the FOI Act.

The purpose of this document is to guide ONRSR staff members in their obligations with respect to the FOI Act and ONRSR's obligations as an agency.

CONTACT

Queries, applications and requests may be directed to:

Accredited FOI Officer

Office of the National Rail Safety Regulator

PO Box 3461, Rundle Mall
Adelaide SA 5000

08 8406 1500

foi@onrsr.com.au

APPLICATIONS FOR ACCESS

| INDIVIDUAL/ ORGANISATION | APPLICANT TYPE | STATUS | FEE | SUMMARY | OUTCOME |
|--------------------------|----------------|------------------|---------|--|---|
| Individual | Personal | Determined | \$40.75 | Access to information obtained in the course of an investigation into an incident. | Partial access to documents and refused access to exempt documents. |
| Individual | Personal | Determined | \$40.75 | Access to information obtained in the course of an investigation into an incident. | Partial access to documents with redactions to remove personal information. |
| Individual | Personal | To Be Determined | Nil | Access to information obtained in the course of an investigation into an incident. | To Be Determined |
| Individual | Personal | Determined | \$40.75 | Access to information obtained produced for the purposes of advising Ministers. | Refused on the basis that documents were exempt. Determination upheld by Internal Review and External Review by Ombudsman |
| Individual | Personal | Determined | \$40.75 | Access to information obtained in the course of an ongoing investigation into an incident. | Refused on the basis that documents were exempt as information is part of an ongoing investigation into an incident. |

SAFE RAILWAYS FOR AUSTRALIA



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