

ONRSR Ref: A496346
Your Ref:

27th July 2015

Ms Jenny Leaman
Inquiry Secretary
Legislative Council
Parliament House
HOBART TAS 7000

Email: tasrail@parliament.tas.gov.au

National Office

Mail: PO Box 3461, Rundle Mall
ADELAIDE SA 5000

Email: contact@onrsr.com.au

Phone: 08 8406 1500

Fax: 08 8406 1501

www.onrsr.com.au

ABN: 44 260 419 904

Dear Ms Leaman

ONRSR Submission to the Inquiry into financial sustainability of TasRail

Thank you for the opportunity to provide a submission to the inquiry.

The Office of the National Rail Safety Regulator (ONRSR) is the responsible and independent regulator for administering the Rail Safety National Law (RSNL) and has been established by the passage of state-based application law in South Australia, New South Wales, the Northern Territory, Tasmania, Victoria and the Australian Capital Territory. Legislation is currently in the Western Australian Parliament which, if passed, will bring WA under ONRSR and the RSNL.

The principal objective of the ONRSR is to facilitate the safe operation of rail transport services across Australia. This is achieved through regulation of the rail industry in accordance with the RSNL, supporting regulations, policies and guidelines, and promotion of safety as a fundamental objective in the delivery of rail transport services. The RSNL places a duty on rail transport operators to ensure, so far as is reasonably practicable, the safety of their railway operations. It also imposes a shared responsibility through general duties on all parties, rail safety workers, other persons involved in the rail industry, the regulator and the public to ensure the safety of railway operations.

In relation to the primary purpose of the inquiry into the financial sustainability of TasRail I have no specific comment but note that since TasRail's establishment in 2009, the infrastructure improvements and rolling stock replacement program made possible through extensive federal and state government investment have resulted in significant improvement in safety performance of this railway, particularly noticeable with the decline in the number of running line derailments that are occurring on the railway each year.

My submission is in regard to the item in the terms of reference for the inquiry that is to give reference to the *opportunities and barriers, social, economic and environmental benefits and the opportunity cost of foregone road infrastructure with regard to commuter and tourist passenger rail services*. This submission is made with a background of the ONRSR (and the

Branch Offices

Central (SA, NT, TAS, ACT)
08 8406 1580

New South Wales
02 8263 7100

Victoria
1800 223 022

former Tasmanian Rail Safety Regulator) having had significant interaction with the existing rail transport operators within Tasmania.

The ONRSR supports the exploration of potential opportunities in all aspects of the railway industry in Tasmania and is aware of a number of suggestions that involve introducing passenger operations on currently dis-used portions of the TasRail rail network by existing tourist and heritage railway operators.

ONRSR has been and will continue to work with organisations with an interest in introducing passenger services onto the dis-used lines. It is the ONRSR's role to ensure that any proponent of new railway operations must be able to demonstrate how it will effectively manage rail safety risks associated with the specific operations and to grant accreditation for those operations before any railway operations (which include construction, maintenance and operation of railway infrastructure or rolling stock) can be undertaken.

Under the RSNL, a person or organisation must not commence or carry out any railway operations unless the person or organisation is accredited to undertake those operations, undertake railway operations for or on behalf of an accredited rail transport operator, or is specifically excluded or exempt from the RSNL. The accreditation regime, which is administered by the ONRSR, is intended to deliver an assurance to the public that a rail transport operator has systematically identified, considered and controlled, so far as is reasonably practicable, all safety risks associated with its intended railway operations prior to being permitted to operate.

Accreditation is granted for specific railway operations and should not be considered or accepted as a general license to operate a railway. A description of a railway operator's permitted railway operations is publicly available by requesting a copy of the Notice of Accreditation from the operator. The scope of an operator's accreditation and ability to hold this accreditation ongoing is dependent on the operator's ongoing demonstration of competence and capacity (essentially, the knowledge, risk understanding, skills, technical capability and financial and human resources necessary) to undertake the specific railway operations.

As mentioned, it is anticipated this inquiry will consider some of the proposals for railway operations on parts of TasRail's disused rail infrastructure, much of which, as you would be aware, has been disused for many years. At the time of writing, there is no railway operator in Tasmania that is accredited to undertake passenger rail service on any part of TasRail's network (including operational or currently disused lines).

In applying for accreditation to undertake such operations (either by a new accreditation or a variation to an existing accreditation) an operator must consider what is needed to support expanded or new commuter or passenger services within Tasmania and what resources, both technical and financial, are necessary to demonstrate the requirements under the RSNL.

Accreditation or variation is not automatically granted and before any operator could take over the control and management of the railway from TasRail, the National Rail Safety Regulator would need to be assured that they can operate that railway safely and in accordance with the RSNL.

Some of the evidence ONRSR would be seeking would include any applicant being able to demonstrate that they had:

- Appropriate technical standards, maintenance tolerances and inspection regimes that the railway's infrastructure and rolling stock must meet to be safe and fit for the intended scope of operations.
- Access to engineering support (qualified and experienced in the relevant railway discipline) to validate the technical standards and inspection regimes, and to provide advice when issues are encountered.
- Competence of rail safety workers operating, inspecting and maintaining the railway's infrastructure and rolling stock in the proposed expanded scope of operations.
- Access to the resources necessary to implement the safety management system for the proposed operations (finances, people, equipment).

The ONRSR and its predecessor have been actively engaged with the Tourist and Heritage sector in Tasmania for a number of years and have explained the above requirements as well as other requirements under the RSNL.

In considering the sustainability and growth of the rail sector in Tasmania, it is important to also consider the issues raised in this submission.

If the enquiry recommends to progress further *commuter and tourist passenger rail services* we would look forward to continuing to work closely with the relevant parties to ensure all necessary safety requirements are met for accreditation to be granted and the railway to operate. Our team in Hobart has regular contact with the rail industry in Tasmania and is happy to continue working with those involved.

Please contact me on 08 8406 1511 if you would like to discuss these matters further.

Yours sincerely



Sue McCarrey
NATIONAL RAIL SAFETY REGULATOR
CHIEF EXECUTIVE