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SPECIAL SUPPLEMENT

Rail Safety (Safety Management Systems) Guideline 2006—No 1

Under the Rail Safety Act 2002

I, CAROLYN WALSH, Chief Executive of the Independent Transport Safety and Reliability Regulator, pursuant to sections 48A and 116A of the Rail Safety Act 2002 issue the guideline in Schedule 1 with respect to safety management systems.

Dated, this 22nd day of June 2006.

CAROLYN WALSH,
Chief Executive Officer
Independent Transport Safety and Reliability Regulator

Explanatory Note

The object of this Guideline is to give effect to Section 3 of the National Rail Safety Accreditation Guideline which is included in the National Rail Safety Accreditation Package Version 2.0 as published by the Rail Safety Regulator's Panel Australia in December 2005.

Rail Safety (Safety Management Systems) Guideline 2006—No 1

Part 1—Preliminary

1. Name of Guideline

This is the *Rail Safety (Safety Management Systems) Guideline 2006—No 1*.

2. Commencement

- (a) For all accredited railway operators other than those specified in 2(b) this Guideline commences on 1 July 2006.
- (b) For all accredited railway operators that are operators of a "heritage railway" this Guideline commences on 1 January 2007.
- (c) In this clause "heritage railway" means a railway operation of which the principal function or activity is the restoration, preservation or operation of vintage trains.

3. Application

The ITSRR may, from time to time, by notice in writing exclude an accredited person from all or parts of this Guideline (subject to such conditions as may be specified in the notice) having regard to the following:

- (a) whether the accredited person will be a "rail transport operator" within the meaning of the Draft Model Rail Safety Reform Bill 2006 as published by the National Transport Council and approved by ATC Ministers on 2 June 2006;
- (b) whether the accredited person's systems for the carrying out of their operations are likely to achieve a level of safety that is appropriate for the railway operations concerned;
- (c) whether the accredited person's operations are covered by the accreditation of another accredited operator.

Schedule 1

National Rail Safety Accreditation Package Version 2.0 as published by the Rail Safety Regulator's Panel Australia in December 2005.

NATIONAL RAIL SAFETY ACCREDITATION PACKAGE

Version 2.0
(controlled document)

December 2005

THE RAIL SAFETY REGULATORS PANEL
Australia

Contents

Foreword	8
NATIONAL RAIL SAFETY ACCREDITATION GUIDELINE	9
Distinguishing Guidance from Mandatory Requirements	10
1 Introduction	11
1.1.1 Purpose	11
1.1.2 Scope of the National Rail Safety Accreditation Guideline	11
1.1.3 Commencement	11
1.1.4 Review	11
1.1.5 Interpretation	12
1.1.6 Definitions	12
1.1.7 Glossary of Abbreviations	16
1.2 Government Policy	16
1.2.1 The Intergovernmental Agreement in relation to National Rail Safety 1996 (IGA)	16
1.2.2 Heritage, volunteer and not-for profit railway operations	17
1.3 Who May Need to be Accredited?	17
1.4 The Role and Purpose of Accreditation	18
1.5 Scope of Accreditation	18
1.6 What Accreditation Does Not Do	19
1.7 Review of Accreditation Decisions (Appeals)	19
1.8 The Role of Standards, Codes and Guidelines in Accreditation	19
1.9 The Obligations of an Accredited Person	19
1.10 Managing Safety Where an Accredited Railway Organisation Interfaces with Another Accredited Railway Organisation.	20
1.11 Managing Safety Where an Accredited Railway Organisation Interfaces with a Non-accredited Entity	21
1.12 Role of the Rail Safety Regulator (RSR)	21
1.13 Commencing the Accreditation Process	22

2	The Accreditation Application and Documentation	23
2.1	Introduction	23
2.2	Structure of Accreditation Application	23
2.3	Application Form	23
2.4	Executive Management Certification of Application	24
2.5	Railway Operations	24
2.6	Assets	25
2.7	Previous Rail History	25
3	The Safety Management System	26
3.1	Safety Management System	26
3.1.1	<i>Introduction</i>	26
3.1.2	<i>Integrated systems</i>	27
3.2	Safety Policy	27
3.3	Governance and Internal Control Arrangements	27
3.4	Management, Accountabilities, Responsibilities and Authorities	28
3.5	Resource Sufficiency	29
3.6	Regulatory Compliance	29
3.6.1	<i>Regulatory compliance when undertaking change</i>	30
3.6.2	<i>Annual reporting to the Rail Safety Regulator</i>	30
3.6.3	<i>Notification of Occurrences</i>	30
3.7	Document Control Arrangements and Information Management	30
3.8	Safety Performance Levels and Performance Measures	31
3.9	Safety Audit Arrangements	31
3.10	Management of Change	32
3.10.1	<i>Managing the risks associated with change</i>	32
3.11	Human Factors	32
3.12	Security	33
3.13	Safety Culture	34

3.14 Consultation	34
3.15 Communication	35
3.15.1 <i>Provision of safety information</i>	35
3.15.2 <i>Facilitating communication</i>	35
3.15.3 <i>Collecting safety information</i>	35
3.16 Risk Management	35
3.16.1 <i>Risk Assessment Scope and Context</i>	37
3.16.2 <i>Hazard Identification and Risk Assessment</i>	37
3.16.3 <i>Risk Acceptability Criteria and ALARP</i>	37
3.16.4 <i>Definition and Management of Controls and Elimination of Risks</i>	38
3.16.5 <i>Risk register</i>	39
3.16.6 <i>Linkages within the Safety Management System</i>	39
3.16.7 <i>Staff Risk Management Competency</i>	40
3.17 Personnel Management	40
3.17.1 <i>Health and Fitness</i>	40
3.17.2 <i>Drug and Alcohol Control</i>	40
3.17.3 <i>Fatigue Management</i>	41
3.18 Rail Safety Worker Competence	41
3.19 Procurement and Contract Management	41
3.19.1 <i>Pre-contract activities</i>	41
3.19.2 <i>Contract management</i>	42
3.19.3 <i>Review Process</i>	43
3.20 Engineering and Operational Safety Systems	43
3.21 Process Control	44
3.21.1 <i>Operational aspects</i>	44
3.21.2 <i>Infrastructure aspects</i>	45
3.21.3 <i>Electric traction infrastructure aspects</i>	45
3.21.4 <i>Rolling stock aspects</i>	45

3.22 Corrective Action	46
3.23 Design and Development	46
3.24 Inspection and Testing	47
3.25 Asset Management	48
3.26 Safety Interface Coordination	48
3.27 Occurrence and Emergency Management	48
3.28 Investigation	49
4 References and Resources (Legislation, Standards and Guidelines)	51
4.1 Rail Safety Legislation	51
4.2 Australian Standards	51
4.3 Other useful sources of information	52
5 RSR Contact Details	53
5.1 Victorian Government	53
5.2 New South Wales Government	53
5.3 Queensland Government	53
5.4 South Australian Government	53
5.5 Government of Western Australia	53
5.6 Northern Territory Government	53
5.7 Tasmanian Government	53
NATIONAL RAIL SAFETY ACCREDITATION PROCESS	54
1.0 Introduction	55
1.1 Purpose	55
1.2 Scope	55
1.3 Commencement	55
1.4 Review	55
1.5 Definitions	55
1.6 Glossary of Abbreviations	56

2.0 The Accreditation Process	57
2.1 Accreditation Process Flowchart	57
3.0 Explanation of Accreditation Process Stages	58
3.2 RSR Provides Application Forms and Establishes Ongoing Liaison	58
3.2.1 <i>Initial meeting</i>	58
3.2.2 <i>Documentation supplied by the RSR</i>	58
3.3 Lodge Application With Supporting Documentation and Application Fee	58
3.3.1 <i>Accreditation application form and supporting documentation</i>	58
3.3.2 <i>Access to applicant records and procedures</i>	59
3.3.3 <i>Application fee</i>	59
3.4 Assess Application	59
3.4.1 <i>Preliminary desktop audit</i>	59
3.4.2 <i>Preliminary audit findings</i>	59
3.5 Carry Out Audit(s) of Applicant's Organisation	59
3.5.1 <i>Detailed assessment of application</i>	59
3.5.2 <i>Identification of conditions of accreditation</i>	60
3.5.3 <i>Calculate initial and annual accreditation fees</i>	60
3.6 Advise Applicant of Audit Outcome and Annual Fee Amount(s)	60
3.6.1 <i>Preparation of the accreditation application assessment advice</i>	60
3.6.2 <i>Audit outcome meeting</i>	60
3.6.3 <i>The RSR considers the response from the applicant</i>	61
3.7 Address Issues Arising From Audits	61
3.8 Approve Accreditation	61
3.8.1 <i>Approval of accreditation</i>	61
3.8.2 <i>Pay annual fee(s)</i>	61
3.8.3 <i>Issue formal notification of accreditation</i>	61
3.8.4 <i>Certificate of accreditation</i>	61
3.9 Final Audit	61

3.10 Commence Operations	62
3.10.1 Accreditation	62
3.10.2 Compliance with pre-conditions of accreditation	62
3.11 Maintenance of Accreditation	62
3.11.1 Accredited person's responsibilities	62
3.11.2 Variations to accreditation	62
3.11.3 Non-payment of annual accreditation fees	63
4.0 Extending Railway Operations into Another State or Territory	64
4.1 Assessing The Risks of the New or Extended Operations	64
5.0 Recognition of Accreditation Held in Another Jurisdiction	65
5.1 Recognition of Existing Accreditation (no change to core SMS)	65
5.8 5.2 Contact the Other Rail Safety Regulator (ORSR)	65
5.8 5.2 Contact the Other Rail Safety Regulator (ORSR)	66
5.3 Advise Operator on the Requirements of the Application	66
5.3.1 ORSR provides application forms and establishes ongoing liaison	66
5.3.2 The application	66
5.3.3 Documentation supplied by ORSR	66
5.4 Lodge Application with Supporting Documentation	67
5.4.1 Accreditation application form (AA – F1) and supporting documentation	67
5.4.2 Access to applicant records and procedures	67
5.5 ORSR Reviews the Application and Obtains Supporting Information from PRSR	67
5.6 Issue Accreditation	67
5.7 Commence Operations	67
6.0 Recognition of Accreditation Held in Another Jurisdiction	68
6.1 Recognition of Existing Accreditation (involving material change to core SMS)	68
6.2 Contact the Principal Rail Safety Regulator (PRSR)	69
6.3 Advise Operator on the Requirements of the Application	69
6.3.1 Initial meeting	69

6.3.2	<i>The application</i>	69
6.3.3	<i>Documentation supplied by PRSR</i>	69
6.4	Lodge Application with Supporting Documentation and Application	70
6.4.1	<i>Accreditation application form and supporting documentation</i>	70
6.4.2	<i>Access to applicant records and procedures</i>	70
6.5	PRSR to Review Application and Forward to ORSR	70
6.6	Accrediting Authorities Review Application	70
6.7	Issue Variation (PRSR) and Accreditation (ORSR)	70
6.8	Commence Operations	70
NATIONAL REQUIREMENTS FOR ANNUAL RAIL SAFETY REPORTS		71
1.0	Statutory Requirements	72
2.0	General Conduct of Accredited Person	73
2.0	General Conduct of Accredited Person	73
3.0	Significant Developments Implemented by Accredited Person	74
4.0	Significant Safety Issues	75

Foreword

This package has been developed by the Rail Safety Regulators Panel (RSRP), which consists of senior representatives from rail regulation agencies from each state and the Northern Territory. The Panel meets quarterly throughout the year and is responsible for developing nationally uniform responses to operational issues impacting the regulation of railway organisations.

The National Rail Safety Accreditation Package (NAP) was considered by transport agency heads from all Australian jurisdictions at the October 2004 meeting of the Standing Committee on Transport (SCOT). On the recommendation of SCOT, NAP was subsequently considered by Australian Transport Ministers at the November 2004 meeting of the Australian Transport Council (ATC). Ministers endorsed NAP and its implementation across all Australian states and the Northern Territory.

November 2005 - NAP Version 2.0 - summary of significant changes

In August 2005 the RSRP agreed to review the NAP to improve alignment with the revised Australian Standard 4292.1 Railway Safety Management - General Requirements, which is scheduled to be issued in early 2006. The revised NAP version 2.0 was issued in December 2005.

The key changes to the NAP include:

- The Safety Management System (SMS) elements have been re-ordered to follow the structure of the revised AS4291.1
- Mandatory SMS requirements and associated definitions have been revised to ensure consistency with the revised AS4292.1. Significant changes to mandatory SMS requirements include:
 - A new section on Safety Culture has been inserted (Accreditation Guideline section 3.13).
 - The Risk Management requirements (Accreditation Guideline section 3.16) have been revised to indicate that SMSs must include a risk register.

NATIONAL RAIL SAFETY ACCREDITATION GUIDELINE

Version 2.0
(controlled document)

THE RAIL SAFETY REGULATORS PANEL
AUSTRALIA

December 2005

Distinguishing Guidance from Mandatory Requirements

A number of formatting styles have been used in the NAP to make the document easier to use.

- Boxed text displayed on a grey background indicates mandatory requirements.
- Unboxed text displayed on a white background indicates explanatory, background or policy information.
- Text displayed on a grey background indicates a warning.
- ***Text displayed in bold italics indicates that a definition is provided for that term.***

See also section 1.1.5 Interpretation.

1 Introduction

1.1.1 Purpose

The National Rail Safety Accreditation Guideline describes the context and purpose of rail accreditation and provides explanatory information to assist railway organisations to understand what is expected of them and why. It also describes what is required of the accreditation application and the safety management systems of accredited railway organisations.

The National Rail Safety Accreditation Guideline is part of the National Rail Safety Accreditation Package (NAP).

The NAP is a set of documents that provide guidance to applicants for rail safety accreditation and accredited railway organisations in respect to:

- how to apply for accreditation;
- what is required of the accreditation application;
- how their application will be processed;
- contextual and explanatory information to assist applicants understand what is expected of them and why;
- the obligations of accredited railway organisations; and
- specific requirements for accredited railway organisations such as:
 - protocols for the reporting of **occurrences**;
 - protocols for the investigation of **occurrences**; and
 - protocols for the preparation and submission of annual safety reports.

The NAP also includes a list of references and resources that railway organisations may find useful, including links to rail safety

legislation, a list of some relevant Australian standards and other useful publications.

The NAP is the first stage in the delivery of this comprehensive suite of guidance material. As it is finalised and endorsed at the national level, additional guidance material will be incorporated into the package.

The NAP includes:

1. National Rail Safety Accreditation Guideline;
2. National Rail Safety Accreditation Processes; and
3. National Requirements for Annual Rail Safety Reports.

The NAP is not intended to provide a comprehensive reference on best-practice safety management nor a comprehensive guide on rail safety regulation in each state and territory. Each rail safety regulator (RSR) is responsible for providing more specific guidance based on local arrangements where this is necessary.

1.1.2 Scope of the National Rail Safety Accreditation Guideline

Further guidance is available from RSRs as arrangements may vary between jurisdictions.

See also 1.2.2 Heritage, Volunteer and Not-for-Profit Railway Organisations.

1.1.3 Commencement

The NAP applies to any new accreditations from 31 January 2005. All railway organisations holding an existing accreditation must be compliant with the requirements of the NAP by 30 June 2006, unless otherwise advised by State and Territory regulators.

1.1.4 Review

The National Rail Safety Accreditation Guideline will be reviewed every three years or in response to identified need. Review

will be initiated by the Rail Safety Regulators Panel (RSRP).

It is anticipated that review of the NAP will be required in response to:

- changes to the Australian Rail Safety Standard (AS4292);
- developments in the National Rail Regulation Reform program being progressed by the National Transport Commission (NTC; further information on national reform is available at www.ntc.gov.au); and
- lessons from experience which may arise from use of the NAP or **occurrence** investigations, recommendations of the inquiries etc.

1.1.5 Interpretation

Use of the word 'should' indicates a recommendation of the RSRP; however, the railway organisation is free to follow a different course of action.

Use of the word 'consider' indicates a suggested option that the railway organisation should think about; however, the railway organisation is free to follow a different course of action.

Use of the word 'consider' or 'may' indicates an option however the relevant party is free to follow a different course of action.

In the event of any inconsistency between the NAP and any state and territory rail safety act or regulation, the act or regulation prevails.

The content of the NAP has been divided into particular subjects. These divisions are for the purposes of managing the document rather than to imply a substantial separation between content areas. Within the safety management system (SMS), many areas are closely related to the point of being almost inseparable, particularly in relation to risk management, consultation, communication, knowledge management and so on. This document should therefore be read as a whole.

1.1.6 Definitions

The following definitions have been applied to the terms listed within this document. These definitions are believed to be consistent with terminology applied across jurisdictions; however, where these terms are defined in state or territory legislation, the definition in legislation prevails. Additional detail or qualification in respect to some terms may be imposed within legislation in some jurisdictions.

ALARP:

A framework for making decisions about the tolerability of risk. According to this framework, there is a level of risk which is intolerable and cannot be justified. There is also a level of risk which is so low that it is negligible and can generally be accepted. Between these limits there is a region where risk is only tolerated if all reasonably practicable measures have been adopted. Decisions on what is reasonably practicable are based on good practice and balancing the costs and benefits of taking the risk.

When risk is close to the intolerable level the expectation is that risk will be reduced unless the cost of reducing the risk is grossly disproportionate to the benefits gained. Only where risks are close to the negligible level can risks be taken on the basis that the benefits exceed the cost. See section 3.16.3.

Board:

The official body of persons who direct or supervise an organisation.

CEO:

Chief Executive Officer. The person, regardless of the position title, who has the highest level of administrative authority.

Civil infrastructure:

Track formation and drainage (but excluding track) fixed structures beside, over or under the track or otherwise associated with the railway, including supports for overhead electric traction equipment, supports for signalling and telecommunications equipment but excluding those equipments.

Competence:

The possession of defined skills and knowledge, and the application of them to the standards required to safely and efficiently perform work.

Compliance Investigation:

An investigation conducted to establish the facts and collect evidence in relation to a possible contravention of the law.

Contractor:

Contracting companies, sub-contractors and rail safety workers working for either of these.

Delegations Manual:

A guide to the authorities held by particular positions or classifications of staff. Conversely, it provides a guide to the level of authority required for particular tasks or functions, that is, it provides a guide to who has to give permission for particular tasks or actions. A delegations manual may cover functional as well as financial or other delegations.

Documents:

Any record of information, including:

- (a) anything on which there is writing;
- (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
- (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else; and
- (d) a map, plan, drawing or photograph.

Electric traction infrastructure:

Equipment and systems associated with the supply and reticulation of electricity for traction purposes, but excluding elements of civil infrastructure supporting or otherwise associated with the equipment or systems.

Ensure:

To take all reasonable action in so far as controllable factors will allow.

Environment:

The combination of surrounding conditions and influences. In this document the environment will include (but is not limited to) whether the operations are conducted on the main line; whether operations are conducted in metropolitan areas or in isolated areas; impacting features of the natural environment such as extreme temperatures, etc.

Error Tolerant:

An error tolerant system is one where the results of committing errors are relatively harmless.

Error tolerant systems are systems that are designed and built to successfully operate even in the presence of an error.

A system is error tolerant if despite evident errors, the intended result may still be achieved with either minimal or no corrective action by the user/operator.

Error tolerance refers to how well the system copes with errors and helps the user recover from errors that do occur.

Human Factors: The scientific discipline that is concerned with the application of information about human characteristics, capacities, and limitations to the design of human tasks, machines, machine systems, and environments.

Interface Coordination Plan:

An agreement between parties managing an interface which sets out the responsibilities of each party.

In this document a reference to an interface coordination plan should be read to include a safety interface agreement.

NOTE: may also be referred to as a safety interface agreement.

Just Culture: An environment which acknowledges the inevitability of human error and encourages honest reporting of errors while establishing clear accountability for actions.

The establishment of a "just culture" is of relevance throughout the SMS as part of the

application of human factors and development of positive safety culture. In particular the principles of “just culture” should be applied in the monitoring and review of systems, reporting of **occurrences** and near misses, the investigation of **occurrences**, and development and implementation of corrective actions.

Limits of Interest:

Where the interest (business) of a person ends.

Material Change:

Change to an operator’s activities or circumstances which requires an application for variation to an accreditation. See section 3.6.1 Regulatory compliance when undertaking change.

Occurrence: A general term for accidents and incidents which lead to injury or loss, or which are considered by the responsible authority to have the potential to compromise safety.

Person:

An individual, a corporation and a body corporate or politic.

Railway:

A guided system designed for the movement of rolling stock, which has the capability of transporting passengers, freight or both on a track together with its infrastructure and associated sidings, and includes a heavy railway, a light railway, an inclined railway or a tramway including a street tramway, having a nominal gauge in each case not less than 600mm, but excludes crane type runways and slipways.

Railway Infrastructure:

Facilities other than rolling stock necessary for a railway to operate safely, including: railway track, associated track structures, over or under track structures, supports (including supports for railway equipment or items associated with the use of a railway), tunnels, bridges, stations, platforms, train control systems, signalling systems,

communication systems, electric traction infrastructure, buildings, workshops, and associated equipment.

Note: More detailed definitions of specific types of infrastructure are given under ‘civil infrastructure’, ‘electric traction infrastructure’, ‘signalling and telecommunications infrastructure’ and ‘track’.

Railway Operation:

The control and management of the movement of trains.

Railway Operator:

The person or body who has ultimate management accountability for safe operation of rolling stock on a railway.

Railway Organisation:

A track manager or an operator, or a person or a body which is both track manager and operator that is accredited or required to be accredited under Rail Safety or other applicable legislation applying in an Australian jurisdiction.

Each jurisdiction has applied a definition or definitions of who is required to be accredited under the legislation. This is not necessarily the same in each jurisdiction and may not include all of the potential terms listed in the definition of railway organisation provided in this document.

Rail Safety Worker:

A person performing or responsible for **safety related work**, be that person a paid member of the staff of the railway, a contractor, subcontractor, or an employee of either, or a volunteer.

Rolling Stock:

Any vehicle which operates on or uses a railway track, excluding a vehicle designed for both on and off track use, when not operating on the track.

Safety Culture:

The product of individual and group values, attitudes, perceptions, competencies and patterns of behaviour that determine the commitment to, and the style and proficiency of, an organisation's health and safety management.

Safety Interface Agreement:

An agreement between two or more parties in relation to the management of a safety interface. Safety interface agreements may be a requirement of rail safety legislation.

In this document a reference to an interface coordination plan should be read to include a safety interface agreement.

Safety Related Work:

Safety activity in one or more of the following:

- a) Driving and operation of trains.
- b) Control and movement of trains
- c) The design, construction, repair, maintenance, upgrading, inspection or testing of track, rolling stock, civil and electric traction infrastructure, and signalling and telecommunications equipment
- d) Development design implementation and management of safety related processes
- e) Any other duties prescribed by an organisation as safety related work.

Scope of Interest:

The extent of a person's interest (i.e. business or railway operation).

Security:

Protection of persons, property and railway operation by means of arrangements to reduce the risk of harm from criminal acts of other parties such as theft, assault, sabotage and terrorism.

Signalling and telecommunications infrastructure:

Signalling equipment and telecommunications equipment provided

and used as part of the safeworking and operating systems of the railway, but excluding supports for such equipment.

Sub-Contractor:

A person who contracts to supply goods or services to the contractor that the contractor needs to satisfy their contract with the principal.

Temporary Accreditation:

Generic term which, in this document, includes:

- Interim accreditation (South Australia, Western Australia, Tasmania);
- Temporary accreditation (Victoria, the Northern Territory, South Australia, Western Australia and Tasmania); and
- Provisional accreditation (New South Wales).

Track:

The guidance system (rails) on which the rolling stock travels and its immediate support which may include rail connectors, sleepers, ballast, points and crossings, and substitute devices where used.

Track Manager:

The person or body who has ultimate management accountability for –

- (a) the safe construction or maintenance, or both, of railway infrastructure; or
- (b) the safe operation of railway infrastructure including train control, signalling and telecommunication systems.

Train:

A single unit of rolling stock or two or more units coupled together, at least one of which is a locomotive or other self-propelled unit.

1.1.7 Glossary of Abbreviations

ALARP = as low as reasonably practicable

ARO = Accredited Railway Organisation

ATC = Australian Transport Council

CEO = Chief Executive Officer

CMS = Contract Management System

ICP = Interface Coordination Plan

IGA = Intergovernmental Agreement in relation to National Rail Safety 1996

MOC = Management of Change

NAG = National Rail Safety Accreditation Guideline

NAP = National Rail Safety Accreditation Package

NTC = National Transport Commission

ORSR = Other Rail Safety Regulator

PRSR = Principal Rail Safety Regulator

PPE = Personal Protective Equipment

PPM = Planned Preventative Maintenance

RSR = Rail Safety Regulator

RSRP = Rail Safety Regulators Panel

SMS = Safety Management System

SPAD = Signal Passed At Danger

1.2 Government Policy

In a rapidly evolving industry **environment**, **railway organisations** must be in a position to respond quickly and develop their own innovative solutions to commercial or operational challenges. The need for

flexibility in determining how to achieve a high standard of safety performance is emphasised by the diverse nature of the rail industry. **Railway organisations** range from very large, high-volume metropolitan passenger operations moving approximately 900,000 passengers daily, to small heritage, volunteer or not-for-profit organisations isolated from the main line. Co-regulation and performance-based standards place the responsibility for determining how operations are to be conducted sustainably and safely on those in the best position to do so – the **railway organisations** themselves in consultation with their rail safety workers and stakeholders.

1.2.1 The Intergovernmental Agreement in relation to National Rail Safety 1996 (IGA)

The governments of all Australian states, the Northern Territory and the Commonwealth are committed to facilitating an efficient, competitive and innovative rail industry while ensuring that the safety of **railway operations** is assured and continuously improved.

To give effect to this commitment, all states, the Northern Territory and the Commonwealth are signatories to the *Intergovernmental Agreement in relation to National Rail Safety 1996 (The IGA)*. Each signatory jurisdiction has agreed to establish a cost-effective, nationally consistent approach to rail safety which ensures there is no barrier to the entry of third parties, based on:

- safety accreditation of railway owners and operators¹;
- mutual recognition of accreditation between accreditation authorities;
- development and implementation of performance-based standards;
- greater accountability and transparency; and
- facilitating competition and technical and

¹ Owner/operator and railway are each defined under the IGA. These definitions are not necessarily consistent with definitions under legislation in various jurisdictions. In this document the term **railway organisation** is used to encompass both of these terms.

commercial innovations consistent with safe practice.

The IGA gives particular standing to the Australian Rail Safety Standard (AS4292) as a basis for the granting of accreditation, and allows latitude for regulators to determine additional local requirements that are to apply.

The IGA elaborates on the application of mutual recognition within Clause 6:

“An Owner or Operator which has been accredited as an Accredited Owner or Operator by a Rail Safety Regulator shall only be entitled to be involved in interstate rail operations in another jurisdiction when that jurisdiction has approved its operations.”

Consistent with the terms of the agreement each jurisdiction has enacted legislation that requires the accreditation of **railway organisations**² and allows for the recognition of an existing accreditation in another state.

Conducting or managing a **railway operation** when not accredited is an offence, unless an exemption from the requirement to be accredited has been granted. Exemptions are not available in all jurisdictions. Further guidance is available from each rail safety regulator (RSR).

Further guidance on the process involved in obtaining recognition of an existing accreditation and approval to operate in another jurisdiction is provided in the ‘National Rail Safety Accreditation Process’.

1.2.2 *Heritage, volunteer and not-for-profit railway operations*

The governments of all Australian jurisdictions recognise the contribution to the community and cultural heritage of Australia made by volunteer, not-for-profit and historic or heritage **railway organisations**. These **railway organisations** must be able to maintain and maximise the attraction of their heritage features and the contribution of volunteer

rail safety workers while ensuring that their activities are undertaken in a safe manner.

RSRs are currently participating in a process of national rail regulation reform led by the NTC. Options for the regulation of varying risk **environments** have been identified as an area to which attention will be given.

In the interim, RSRs are aware of the challenges faced by the heritage, volunteer and not-for-profit sections of the rail industry. Each RSR retains discretion in the application of the requirements described within this document. If you believe that you cannot meet any of the mandatory requirements described, you should discuss the matter with the RSR in your state or territory.

1.3 *Who May Need to be Accredited?*

Legislation in each jurisdiction sets out which **railway organisations** must be accredited. Check with the RSR in the jurisdiction in which you will be operating for confirmation of whether your **railway organisation** must be accredited.

Railway organisations that may require accreditation include:

- passenger rail and light rail service providers;
- freight rail operators;
- tourist/heritage **railway operators**;
- infrastructure managers;
- infrastructure constructors/maintainers; and
- rolling stock constructors/maintainers.

Accreditation under legislation may not apply to:

- an aerial, cable-operated transportation system;

² Each jurisdiction has applied a definition or definitions of who is required to be accredited under the legislation. This is not necessarily the same in each jurisdiction and may not include all of the potential terms listed in the definition of **railway organisation** provided in this document.

- amusement railway; or
- a **person** who holds an exemption issued by the RSR, or is otherwise exempt by regulation.

1.4 **The Role and Purpose of Accreditation**

The identification, assessment and elimination or control of safety risks as systems are developed or reviewed and solutions to operational challenges are devised is fundamental to ensuring safe **railway operations**. Ongoing consultation with the people who will use or be affected by the system or activity is critical to ensuring that the risk management process is effective.

Safety is intrinsic to efficient and sustainable operations. The process of accreditation seeks to capitalise on the mutual benefits for the community and **railway organisations** of safe and efficient rail operations.

A primary purpose of accreditation is to attest that **railway organisations** have satisfied the RSR that they have established safety management systems (SMS), that these systems are suitable and sufficient for their operations, and that they have the **competency** and capacity to implement those systems.

Fundamental to the accreditation process is the accredited **person** demonstrating that they understand their obligations under the law, that they have accepted responsibility for the safety of their operations, and that this has been reflected in their having taken measures to ensure that their responsibilities have been, and will continue to be, discharged effectively.

Processes for the monitoring of an accredited railway organisation (ARO) by the RSR include but are not limited to:

- analysis of performance data;
- audit;
- compliance inspections;
- compliance investigations; and
- annual review of the ARO's safety management and performance.

The main objective of monitoring by the RSR is to ensure that:

- the **railway organisation** has an effective SMS;
- the **railway organisation** is actively maintaining and applying continuous improvement principles within their SMS and building their organisation's safety culture;
- the risk controls employed are resulting in acceptable levels of safety performance, in terms of both risk minimisation and safety outcomes; and
- the **railway organisation** is complying with the law in relation to rail safety, and the terms and conditions of their accreditation.

In addition, accreditation monitoring by the RSR provides advice to **railway organisations** from an independent external source and contributes to the continuous improvement of the **railway organisation's** SMS. Monitoring by the RSR also provides an additional opportunity for constructive and positive feedback to **rail safety workers**, thereby contributing to the growth of the **railway organisation's** safety culture.

1.5 **Scope of Accreditation**

Accreditation may be granted on a temporary or ongoing basis. In most jurisdictions an ongoing accreditation, once issued, remains in force until it is suspended or cancelled.

In some circumstances, such as non-payment of fees, accreditation may lapse.

In all jurisdictions **railway organisations** may apply to the RSR for a variation to their accreditation. Variations may relate to the conditions attached to the accreditation; the systems submitted to the regulator and on which the accreditation was based; the scope and nature of the **railway**

organisation's operations; or other matters.

1.6 **What Accreditation Does Not Do**

Accreditation does not imply that the systems submitted to the RSR are static, will remain adequate over time, or that development and improvement of systems is at an end. Experience, changes within the organisation, advances in the discipline of safety science and improvements in the safety culture can all result in innovation in SMSs. A system that is failing to innovate and develop may indicate a failure in the effective management of safety within the organisation.

AROs have an obligation to ensure the ongoing review and improvement of the systems submitted as a basis for their accreditation. The RSR's assessment of a **railway organisation's** SMS will include specific consideration of the in-built capacity of the system to drive continuous improvement.

Accreditation does not attest that all risks have been identified or controlled. It is not a guarantee by the regulator that the controls employed will be adequate in all foreseeable circumstances. It is not a process whereby the regulator takes over the responsibility for the safety of the **railway operation** by giving approval to the detail within operating systems. At all times the responsibility for ensuring the safety of **railway operations** remains with the **railway organisation**.

Accreditation does not guarantee compliance with safety-related duties that apply to **railway organisations** under general law. See also Section 4.17 *Procurement and Contract Management*.

1.7 **Review of Accreditation Decisions (Appeals)**

Each jurisdiction provides a process for appeal, review or dispute resolution where an applicant for accreditation or an ARO is aggrieved by a decision of the RSR. The

processes vary between the jurisdictions. Further information is available from each RSR and should be provided to the **railway organisation** along with advice of a decision when a decision is taken.

1.8 **The Role of Standards, Codes and Guidelines in Accreditation**

Standards, codes of practice and guidelines (henceforth collectively referred to as 'Guidance') are instruments through which industry is given practical guidance and through which the current 'state of knowledge' within the industry is documented and shared in relation to a particular matter. They are developed in consultation with industry, or by industry to ensure their relevance and effectiveness in application.

It is often the case that developed Guidance will be general in nature and apply to the broad circumstances of the industry, or to a particular common circumstance, and cannot be guaranteed to provide the most effective solution for all situations. It is the responsibility of the **railway organisation** to ensure that standards are appropriately applied.

1.9 **The Obligations of an Accredited Person**

The overarching obligation of the ARO is to abide by the terms and conditions of their accreditation and effectively implement the safety management system that was the basis of the granting of accreditation. This will encompass but is not limited to the following:

- Compliance with rail safety legislation, supporting rail safety regulations, mandatory guidelines and other applicable legislation.
- Compliance with network rules and terms of access agreements.
- Identification, assessment and elimination or control of safety risks.

- Review of risk assessments at defined intervals or in response to **occurrences** and investigations.
- Compliance with the requirements of internal systems implemented to control risks, through training, supervision and audit.
- Reporting of notifiable **occurrences** to the RSR.
- Emergency management.
- Ensuring the security of passengers.
- Internal reporting and investigation of **occurrences**.
- Application of learning from **occurrences**, through the adoption of recommendations arising from investigation reports and safety actions in response to **occurrences** (including review of relevant **occurrences** involving other **railway organisations** in Australia or elsewhere).
- Annual review of the organisation's SMS.
- Annual reporting to the RSR.
- Applying principles of continuous improvement to the SMS, safety culture and outcomes.
- Implementing appropriate **occurrence** notification, investigation, analysis, development of safety actions, and reporting in a **just culture** environment.
- Effective management of change including application for variation to the accreditation, or notification to the regulator where necessary.
- Consulting with and ensuring the involvement of **rail safety workers**, their representatives and other stakeholders in respect to decisions that affect the safety of the **railway organisation's** operations, within the risk management process and during system review and improvement.
- Payment of annual accreditation fees.

1.10 Managing Safety Where an Accredited Railway Organisation Interfaces with Another Accredited Railway Organisation.

Where the operations of more than one ARO interface, each **railway organisation** retains responsibility for the safety of all people who may be affected by the conduct of their operation. The management of safety in these circumstances should be undertaken in a coordinated manner between each ARO.

Appropriate **interface coordination plans**, compliant with any guidelines issued by the RSR, are required in relation to safety interfaces between **railway organisations**.

These duties and interfaces should be actively managed. **Railway organisations** should not rely solely on the accreditation process to ensure that other **railway organisations** are comprehensively applying effective SMSs.

Contracting another accredited **person** to perform a particular service or supply a particular product does not absolve the accredited principal from the obligation to ensure the safe conduct of the work undertaken or the quality and fitness of the product provided, to the extent to which they can exercise control.

Appropriate pre-contract and contract management processes covering the safety aspects of the contract should be applied, irrespective of the accreditation status of the contracted party. The following describes certain aspects of the roles and responsibilities of accredited **principals** and accredited **contractors**. It is not an exhaustive analysis or description of requirements.

The principal should:

- ensure that safety requirements in relation to the product or services provided and the conduct of the work are adequately defined within the contract. This will include ensuring that

the terms of the contract do not, in form or effect, require the contracted party to work in an unsafe manner, for example, by including time frames and remuneration that necessitates employees working while suffering from excessive fatigue;

- provide appropriate supervision of the contract and the **contractor's** conformance with the safety aspects of contract terms; and
- ensure a risk assessment has been undertaken for the contracted work and a SMS is in place for the contracted work.

An accredited **contractor** or **sub-contractor** should:

- comply with the approved SMS;
- ensure that they do not commit to contracts that, in form or effect, require them to work in an unsafe manner; and
- provide appropriate supervision of the contract and the accredited principal's conformance with the safety aspects of contract terms, particularly where the contract includes deliverables from the principal necessary for the safe conduct of the work (for example, accurate and timely track possession documentation).

Further guidance in relation to responsibilities of an accredited **person** in relation to contract management and managing safety interfaces can be found in section 3.19 Procurement and contract management.

Nothing in this section should be taken as requiring the principal to undertake the continuous, day-to-day supervision of a **contractor** or **sub-contractor's** employees.

1.11 Managing Safety Where an Accredited Railway Organisation Interfaces with a Non-accredited Entity

A **railway organisation** has a legal obligation to ensure the safety of their

operations to the extent of their ability to influence the situation, irrespective of the accreditation status of another party with whom they interact. Where an ARO lets contracts, this extends to taking all reasonable steps to ensure the safe conduct of work undertaken under contract.

The ARO is required to have SMSs for the management of risks associated with services acquired or provided under contract. This includes the utilisation of enforceable contract clauses relating to safety or aspects of the products or services impacting on safety downstream, supervision of **contractors**, and monitoring the quality and safety standards of the products or services provided.

In addition, AROs are required to take steps to ensure that they comply with applicable safety laws, including Occupational Health and Safety (OHS) legislation. Potential breaches of OHS law identified by the RSR's compliance officers will be referred to the OHS regulator for consideration.

Nothing in this section should be taken as requiring the principal to undertake the continuous, day-to-day supervision of a **contractor** or **sub-contractor's** employees.

1.12 Role of the Rail Safety Regulator (RSR)

The RSR:

- sets the minimum requirements for the scope and content of SMSs in accordance with the legislative framework;
- makes recommendations for draft Acts and Regulations for consideration by governments and parliaments;
- exercises discretion in the recognition or mandating of standards to promote appropriate levels of safety management and performance;
- assesses whether the SMS submitted by the applicant demonstrates that the applicant has the systems, skills and capacity to run **railway operations**

safely and whether the SMS complies with the minimum requirements set by the regulator.

In particular, the regulator assesses whether the applicant has developed and implemented a safety management system based on risk management and continuous improvement, and that there is a clear linkage between hazards identified, the assessment of risks arising from the hazards, and the control measures applied;

- monitors compliance with the **railway organisation's** terms of accreditation through compliance auditing, compliance inspection and **compliance investigation**;
- undertakes industry safety promotion and education to facilitate compliance and promote improved safety outcomes;
- undertakes enforcement action where necessary with consideration to a publicly available compliance and enforcement policy;
- monitors safety performance through **occurrence** reports, trend analysis and, where applicable, the Annual Safety Report submitted by **railway organisations**;
- may report on safety performance through an annual industry safety report.

1.13 Commencing the Accreditation Process

The first step in gaining rail accreditation is to contact the RSR in the jurisdiction where most of the **railway operations** relevant to the application are to be undertaken. Any of the RSRs can provide advice as to the process you will need to undertake and any additional requirements of the regulator in the jurisdictions in which you will be operating. They will also facilitate the progress of your application and where necessary coordinate the assessment of your application by the affected RSRs.

In the case of a variation to accreditation and/or recognition of an existing accreditation by another jurisdiction, the

point of first contact will vary depending on the circumstances of each case.

Where a variation to an existing accreditation is involved, the Principal Rail Safety Regulator (PRSR) will take the lead role in coordinating the assessment of the application, including liaison with the RSRP.

Further detail in respect to the processes involved in preparing, submitting and processing applications for accreditation are provided in the following sections.

Guidance in relation to applying for a variation to an existing accreditation and recognition of an existing accreditation held in another jurisdiction is provided in the *National Rail Safety Accreditation Process*.

2 The Accreditation Application and Documentation

2.1 Introduction

A **railway organisation's** accreditation documentation, tested by field audits conducted by the rail safety regulator (RSR), is the primary means by which the RSR assesses whether a **railway organisation** has the systems, skills and capacity to run its **railway operations** safely, and that its policies can be expected to work effectively in practice and deliver a continuously improving safety culture.

The level of detail required in the application will vary between different **railway organisations**, depending on the level of risk and the scope and limits of operations. However, applicants must present the main arguments clearly and with sufficient detail to lend conviction and credibility to those arguments. Any supporting material (which may be contained in other **documents**) must be clearly cross-referenced.

It is not intended that applicants should provide lengthy written descriptions or include copies of all relevant **documents**. The RSR will be looking for evidence that each applicant has developed and implemented a comprehensive safety management system (SMS). This may take the form of an outline with summaries of documented procedures, processes and systems linked to the SMS and which can be sighted at any time during audits by the RSR's authorised officers.

Where the described SMS does not meet the standards necessary to satisfy the requirements for accreditation as determined by the RSR, the RSR may direct the applicant to amend and re-submit the SMS.

Applicants should reference recognised standards when developing their application, such as AS3931, AS4292, AS4360, AS4801 and this document.

2.2 Structure of Accreditation Application

An application for accreditation consists of an application form and supporting documentation, including:

- certification of the application by the Executive Management of the applicant organisation (see section 2.4);
- detailed description of the scope and limits of railway activities being undertaken;
- description of the assets of the applicant organisation;
- declaration disclosing previous rail history of the applicant organisation and/or key personnel; and
- description of the SMS, including the risks associated with the activities of the applicant organisation and the means applied to eliminate or control the risks.

The requirements in relation to each of these **documents** are elaborated on in the following sections. The description of the SMS will be the major part of the accreditation application.

2.3 Application Form

Applications for accreditation must be accompanied by a valid, completed Accreditation Application Form.

Application forms are available from the RSR and will be supplied at the initial accreditation meeting. See *National Rail Safety Accreditation Processes* for further information.

The application form contains details of the organisation seeking accreditation, specifically highlighting a named individual with legal responsibility for the activities of the organisation. This **person** will normally

be the **Chief Executive Officer** or Managing Director, depending on the size and structure of the organisation.

The application constitutes a declaration by the signatories that all information provided is true and correct, along with disclosure of all actions pending and judgements against the signatories in the past five years. This disclosure attests that the **persons** to whom accreditation is granted are³ fit and proper to be responsible for the safe carrying out of **railway operations**.

2.4 Executive Management Certification of Application

An application for accreditation must be accompanied by evidence that the application has been submitted to and signed off by the Chief Executive Officer (**CEO**) and **Board** or governing body of the **railway organisation**.

By endorsing the application, the **CEO** and **Board** are certifying that the systems and processes being submitted for accreditation are:

- sufficient to ensure the health and safety of all **persons** on rail premises legally, who may be affected by the conduct of **railway operations**, to the extent that the **railway organisation** has control;
- consistent with the intent of AS4292 and other approved accreditation standards and guidelines that may be published (including the National Rail Safety Accreditation Package (NAP)); and
- can be expected to deliver a continuously improving safety culture.

In addition:

- all reasonably foreseeable hazards have been identified and the associated risks have been assessed, taking into account

the range of foreseeable conditions that affect the level of risk⁴;

- due consideration has been given to the elimination of risks, substitution of the hazard for a hazard giving rise to a lesser risk, isolation of the hazard from **persons** put at risk, and minimising the risk by engineering means before the application of administrative risk controls (such as procedures, training or provision of information) or use of Personal Protective Equipment (PPE);
- all risks unable to be eliminated have been reduced to be 'as low as reasonably practicable' (**ALARP**); and
- appropriate processes for consultation with **rail safety workers**, their representatives and stakeholders have been undertaken throughout the risk management process.

The RSR will expect accredited railway organisations (AROs) to be prepared to demonstrate the above points on an ongoing basis.

2.5 Railway Operations

This section of the application must describe:

- The purpose, scope and limits and **environment of railway operations** conducted by the organisation. In determining the scope, limits and **environment**, applicants must consider what type of activities they conduct as a railway and the extent of their **railway operations**.
- Detailed descriptions of operational activities including traffic flows, traffic frequencies, volume carried, geographical boundaries, signalling and safe working systems, etc, and details of any routes designated for interstate operation.

³ The NSW Rail Safety Act 2002 also applies an additional test of good repute for the granting of accreditation.

⁴ See section 3 Risk Management. Conditions to be considered include normal operating conditions; degraded conditions where any component or part of the railway system has failed; foreseeable abnormal conditions to which the railway operations may be subjected (e.g. weather conditions, overcrowding etc); and emergency situations.

2.6 Assets

This section of the application must include or reference a detailed list of operational assets, including the following where appropriate:

- Stations.
- Signal and train control centres.
- Type and number of rolling stock for both services and maintenance activities (identifying individual units or classes of rolling stock as most appropriate to the circumstances).
- Infrastructure (with signalling/safe working systems and electrification details). The application must identify the owner of the infrastructure. If the applicant is not the owner of the infrastructure, the application must show the basis of the entitlement of the applicant to control and manage the infrastructure.

2.7 Previous Rail History

Applicants must disclose in their application any previous history of rail operations, including rail **occurrence** history for the period required by the RSR.

Rail **occurrences** to be disclosed include:

- Single or multiple fatalities;
- Serious injury to any **person**; and
- Major damage to infrastructure or property.

3 The Safety Management System

3.1 Safety Management System

3.1.1 Introduction

A **railway organisation's** safety management system (SMS) is the means by which the scope and limits of **railway operations** are managed safely. It includes the:

- organisational structure;
- policies;
- planning activities;
- responsibilities and accountabilities;
- practices;
- procedures;
- processes; and
- resources.

These are used for developing, implementing, achieving, reviewing and maintaining the safety policy of an organisation.

Railway organisations must involve and consult with **rail safety workers** and their representatives in the development of the SMS. See also Section 3.14 Consultation.

A successful SMS will include:

- top-level management commitment to safety and continuous improvement in safety management and culture;
- recognition of the importance of a collaborative and consultative approach involving all stakeholders in all stages of the risk management process, including periodic management system reviews;
- systemic controls to ensure that hazards are recognised in a timely manner;
- systematic, explicit and comprehensive processes for proactive risk management;

- evaluation and review processes, including internal and external audits and inspections;
- technical and personnel operating, engineering and maintenance standards; and
- technical maintenance plans.

The following sections of this guideline provide advice in relation to specific elements of the SMS.

In general, for each element within the SMS, e.g. document control, emergency planning, fatigue management, training/competence, etc, the RSR expects to find evidence of:

- **Policy:** What is the organisation's policy for each given subject? What does the organisation intend to achieve? What will be the measures used to judge whether the policy has been successfully implemented?
- **Responsibility:** Who is responsible for discharging the policy and what training/competencies do these people need?
- **Planning:** How will the organisation achieve the objectives of the policy?
- **Resourcing:** What resources are necessary to achieve the objectives of the policy? Have these resources been allocated? Resources to be considered include but are not limited to financial, material and human resources.
- **Implementation:** How will the organisation manage the changes associated with implementing the system or changes to the system?
- **Monitoring:** What and how will the organisation monitor to ensure the plan is being enacted?
- **Review:** How and when does the organisation review the effectiveness of its policy, hazard identification and control mechanisms?

- **Continuous improvement:** How is the agency going to ensure that the review is considered in the development of improvements in the system?

Note: Organisations need not precisely follow this eight-point approach; however, they should ensure the eight points are transparent within their processes.

3.1.2 Integrated systems

A **railway organisation** may have management systems for various aspects of their business activities. Peak performance in safety management is associated with the integration of safety into all aspects of the organisation's operations, rather than management of safety as a separate area of responsibility. The extent to which rail safety management is integrated into broader systems of management and risk management within the **railway organisation** will be a product of the maturity of the safety culture and safety systems and the complexity of the organisation in question.

The rail safety regulator (RSR) does not require a separate SMS for rail safety or separate substantive documentation. For example, a corporate safety policy can incorporate the necessary content for Occupational Health and Safety (OHS), environmental safety and rail safety. It is not a requirement of accreditation that the **railway organisation** must have separate policy statements for each safety aspect.

Similarly, a hazard identification process can be used to cover all safety hazards. The RSR does not require **railway organisations** to conduct separate processes for rail safety, OHS or other risks. The important factor is that all reasonably foreseeable risks to the safety of people who may be affected by the **railway organisation's** business are identified, assessed and controlled to the extent that this is reasonably practicable. The accreditation application provides a guide to the SMS as it applies to rail safety.

It must be noted that the effectiveness of the SMS is not related to the volume of

paper used to describe it either within the accreditation application or internal system documentation. The important factor is that the system is robust and fully implemented, and that it is used and clearly understood throughout the organisation and achieves the required outcomes.

3.2 Safety Policy

The SMS must include a safety policy for the **railway organisation**, that is current and endorsed by the **Chief Executive Officer**, or in the case of a Heritage & Tourist Railway the equivalent position.

The SMS must include a suitable and sufficient process whereby a commitment to safety as the first priority is communicated throughout the organisation.

The safety policy should detail the **railway organisation's** commitment to risk management and compliance with internal and external procedures in which risk controls are embedded, and commit the organisation to the development and maintenance of a positive safety culture as required in section 3.13.

The SMS should describe and substantiate the arrangements and initiatives in place for discharging and maintaining the safety policy.

3.3 Governance and Internal Control Arrangements

The SMS must include suitable and sufficient systems to ensure that those responsible for oversight of the organisation are provided with appropriate information.

Management processes, techniques and tools used by the organisation (at all levels) must include appropriate internal control mechanisms.

These systems/mechanisms should ensure that:

- Those with a responsibility for governance receive information in

relation to the potential or actual impact of high-level decisions on the safety performance of the organisation.

- The Chief Executive Officer (**CEO**) and **Board** (or equivalent positions) are able to determine whether:
 - the SMS is working effectively;
 - all reasonably foreseeable hazards are being identified;
 - potential risks arising from the hazards are being assessed and eliminated or controlled; and
 - risk assessments and means used to control risks are subjected to regular review and improvement.

For example, processes for hazard identification should include progressive escalation of the hazard until it is effectively addressed, with reports to the **CEO** and **Board** in relation to outstanding matters. The **CEO** and **Board** should be made aware of high-risk hazards identified and measures undertaken to manage those risks.

- The **CEO** and **Board** are able to determine whether the organisation is complying with regulatory requirements.
- The **CEO** and **Board** are aware of the way in which assets are being managed and that they are made aware when these assets have the potential to cause safety risks. This will extend to detailing future renewal and upgrading programs, demonstrating to the RSR how asset condition and reliability will be achieved and sustained through engineering, technical and financial management, enabling safety and performance targets to be met.
- The **CEO** and **Board** are able to verify that the competence of safety-critical employees continues to be managed and that the organisation retains its overall competence and capacity to meet its railway safety objectives.
- The **CEO** and **Board** are able to verify that the resources available for

establishing and maintaining the SMS are sufficient.

- Internal controls and review processes are applied to the **Board** of each organisation to ensure that appropriate governance is being undertaken and any necessary improvements to systems are identified.
- Those responsible for making decisions in relation to the operation are provided with sufficient information to enable them to consider the actual or potential impact of their decisions on the safety performance of the organisation.

This will enable those responsible for oversight of the organisation to demonstrate that they have exercised due diligence in discharging their responsibilities in relation to safety management.

3.4 **Management, Accountabilities, Responsibilities and Authorities**

The SMS must include the appropriate assignment and delegation of responsibility for the effective implementation and maintenance of the SMS and specific risk control measures, and compliance with applicable industry standards. This must include:

- Identification of a **person** who, irrespective of other responsibilities, is responsible for maintaining the organisation's SMS, and reporting on implementation progress or deficiencies highlighted. The nominated **person** will have specific responsibilities and authority for monitoring and review and hold the qualifications, experience and **competence** necessary to discharge their responsibilities effectively.
- Organisational charts describing the responsibilities, accountabilities, authorities and interrelation of all personnel who manage, perform and verify work relating to and affecting safety. These arrangements must ensure that these workers are given the

necessary organisational freedom and authority to:

- Initiate action to prevent unsafe **occurrences**;
 - Identify and record any railway safety issues;
 - Initiate, recommend or provide solutions to railway safety issues through designated channels;
 - Initiate action to learn from railway **occurrences** and to prevent any recurrence;
 - Verify the implementation of solutions;
 - Control further design, construction, commissioning, operation or maintenance activities so that any observable deficiency or unsatisfactory railway safety condition is corrected; and
 - Identify internal verification requirements, provide adequate resources and assign trained and qualified personnel for verification activities.
- An explanation of how risk management will be managed and dealt with within the organisational structure.
- (Note that the responsibility for the implementation of specific risk controls is provided via the risk register).
- Identification delegation and documentation of all staff and **contractor** safety responsibilities and accountabilities.

The SMS must provide clear lines of accountability for personnel certifying the safety of critical infrastructure, equipment and operations.

The SMS must include processes through which individuals with safety responsibilities must report and be assessed against to ensure that they are discharging their obligations with due diligence.

Particular care should be taken that accountabilities are made clear for management of hazards that impact on, or are contributed to, by factors in a number of different operational areas. For example, where training is conducted by a discreet business unit on behalf of a large organisation, operational managers of the staff trained remain accountable for verifying the **competency** of the individuals undertaking rail safety work, through the provision of adequate supervision and on-the-job **competency** assessment.

Note: Where specific authorisations are granted to individuals to approve waivers to ordinary company standards, the details of those levels of authorisation should also be identified.

The use of a **delegations manual** is recommended.

3.5 Resource Sufficiency

The SMS must include suitable and sufficient processes to ensure the sufficiency of resources for the operation and maintenance of the railway, and to implement, manage and maintain the safety management system.

This applies as much to human resources as to financial and material resources. It is important that staff in safety-critical roles are not subjected to an inappropriate workload. **Rail safety workers** may be fit and healthy, not fatigued and free of the influence of drugs and alcohol, but may still make a mistake or contribute to an **occurrence** because they have too much or too little to do.

3.6 Regulatory Compliance

The SMS must provide for the identification of safety requirements under rail safety legislation and other applicable legislation, and include steps to be taken to ensure compliance with such requirements.

The regulator will expect to see these measures embedded in policy and procedural documentation.

Legislation is likely to apply to areas such as occupational health and safety (OHS), environmental protection, dangerous goods and the management of corporations.

Railway organisations may find a 'register of legislation' of assistance in managing regulatory compliance.

3.6.1 Regulatory compliance when undertaking change

The SMS must include suitable and sufficient systems in place to ensure compliance with regulatory requirements relevant to change processes.

Changes to the **railway organisation's** scope of operations, systems, personnel, organisational structure, policies or equipment may require action on the part of the **railway organisation** in order to maintain their accreditation. Further advice may be provided by the RSR.

3.6.2 Annual reporting to the Rail Safety Regulator

In jurisdictions where they are required:

- Annual safety reports must be prepared in accordance with guidelines issued by the RSR; and
- The SMS must include suitable and sufficient systems supporting the preparation and submission of the annual safety report, including processes for the validation of the accuracy and completeness of information provided within the report.

Rail safety legislation requires an accredited **person** to review and revise the safety management plan and/or system and, in most jurisdictions, to submit an annual safety report to the RSR by the required date.

3.6.3 Notification of Occurrences

The SMS must include suitable and sufficient systems in place to support compliance with RSR requirements for notification of **occurrences**.

These systems may be integrated with systems for collection of safety information and **occurrence** management and investigation.

3.7 Document Control Arrangements and Information Management

The SMS must include suitable and sufficient systems for the control and management of all **documents** and data that relate to the scope and limits and safe management of **railway operations**. The systems must ensure:

- That safety records are identified, created and managed. Safety records are to include all commissioned reports and the rationale for action or non-action in relation to them.
- Retention periods for safety records are established, documented and complied with.
- Safety records are stored and maintained in such a way that they are readily retrievable, and stored in facilities which provide a suitable environment to minimise deterioration or damage and to prevent loss.
- Accuracy and clarity of language used in **documents** so that the target audience easily understands them. The use of controlled language may be necessary in ensuring shared understanding and good data quality.
- Appropriately qualified personnel review and approve **documents** and data for release.
- Appropriate document control procedures are in place to ensure the current status of **documents** is recorded, including the history of document changes.

- Outdated or obsolete **documents** are promptly removed from circulation.
- Any obsolete **documents** retained for legal or knowledge-preservation purposes are suitably identified.
- Changes to **documents** and data are reviewed and approved by the same functions/organisations that performed the original review and approval, unless specifically designated otherwise. The designated functions/organisations must have access to pertinent background information upon which to base their review and approval. Where practicable, the nature of the change must be identified in the document or appropriate attachments.
- **Rail safety workers** are promptly and reliably advised of all changes and updated on safety information through dissemination of amended documentation.

Applicants may refer to AS/ISO15489 for further guidance on developing and implementing appropriate records management systems.

3.8 Safety Performance Levels and Performance Measures

The SMS must document projected safety performance levels and objectives, with a description of how they will be achieved, including time scales, to ensure risks are 'as low as reasonably practicable' (**ALARP**).

The SMS must provide a suitable and sufficient process for reviewing and reporting on both SMS effectiveness and safety performance levels and trends. This will necessitate the development of appropriate performance measures and supporting systems. (see also section 3.15).

In determining performance measures, applicants should consider and select a range of positive performance indicators along with outcome indicators. The performance measures will be tailored to the specific circumstances of the **railway organisation** and must be linked to the risk management process.

Railway organisations may wish to discuss proposed performance indicators with staff of the RSR at any time, but in particular before submitting formal applications for accreditation or variation of accreditation.

3.9 Safety Audit Arrangements

The SMS must include suitable and sufficient safety audit arrangements, which ensure that there is a structured process for collecting information on the efficiency, effectiveness and overall reliability of the SMS. This must include processes to ensure that:

- Periodic independent audits and evaluations of components of the SMS are done by suitably qualified **persons**. Audits must be scheduled on the basis of the status and importance of the activity and associated risks. The process must be explicit in describing how the independence and qualifications of the auditors will be assured.
- Audit reports with recommendations for corrective action are submitted to the **CEO** and **Board** (or equivalent positions) as necessary. The rationale for the level of escalation of reports must be documented.
- There is an effective corrective and preventative action regime whereby the outcomes of audits are brought to the attention of the **CEO** and **Board** (or equivalent positions) and are appropriately implemented.
- Relevant technical/safety experts and line managers, including the **CEO** and **Board** (or equivalent positions) where appropriate, sign off any recommended corrective actions for implementation within agreed timeframes.
- The rationale for acceptance or rejection of findings and recommended corrective actions is documented.
- A system is in place to track the timely implementation of recommended corrective actions.
- There is cooperation between technical experts and auditors in the auditing

process so that potential safety problems are identified.

- Line managers carry out their own documented inspection and supervision processes, which are reviewed as part of the audit program.
- Any significant issues identified from audit reports must be subjected to a risk assessment and any changes must be managed in accordance with internal change management protocols and systems. Any significant issues that, following a risk assessment, do not require new or revised control measures must be documented, and the reasons supporting the assessment included in this documentation.
- The audit system itself is subject to audit to ensure its effectiveness.

Refer to *AS/NZS ISO 19011 Guidelines for quality and/or environmental management systems auditing* for further guidance on the management of audit programs and conduct of audits of management systems.

Note: Professional judgement is required on the part of the **railway organisation** as to when a full report will need to be reviewed by the **CEO or Board (or equivalent positions)**, and when it is more appropriate to submit a summary of findings and recommendations, a summary of unimplemented recommendations or relevant statistical information.

3.10 Management of Change

The SMS must include suitable and sufficient processes to ensure the safe Management of Change (MOC).

A comprehensive change management process is an essential part of an organisation's SMS. It is a fundamental, organisational risk control which includes allocation of responsibilities, accountabilities and authorities; records management; performance reporting; and auditing and review. Effective change management includes interface management and

configuration control of the organisation's systems and physical assets.

The following provides broad principles for a **railway organisation's** change management processes. A more detailed guideline for MOC will be developed to further explain the MOC process.

3.10.1 Managing the risks associated with change

MOC processes must manage various types of change:

- Change which is planned, but must take into account any unintended consequences in related areas.
- Unavoidable, unplanned or unintended changes, including 'creeping' or 'incremental' change where the impact at any time may seem minor, but over a period can significantly increase risk.
- Temporary changes.
- Emergency or abnormal changes which may be required within a short timeframe and therefore may require different treatment.

The MOC process must be applied when any change occurs that affects the organisation's accredited activities. MOC must address the impacts of altered risk profiles on existing risk controls to test the efficacy of these controls.

A change in risk can arise in a number of ways:

- Change in likelihood of **occurrence** of events.
- Change in consequences of an event.
- Introduction or removal of a type of hazard.
- Change in the nature of the risk.

3.11 Human Factors

The SMS must include effective processes for the integration of human factors principles into all aspects of rail safety.

The SMS must reflect an understanding within the railway organisation that human error is normal and that systems need to be designed to complement the human operator.

This should include the continual improvement of systems to ensure they are **error tolerant**.

3.12 Security

The SMS must include a suitable and sufficient **security** policy (or equivalent) and **security** plan.

The SMS must include processes for the integration of security into all aspects of rail safety.

The SMS must reflect an understanding within the railway organisation that consideration for security is normal business practice and that systems need to be designed to provide a secure environment.

Security policies should include the following measures to protect against crimes to people and property:

- A statement of the accredited **person's** commitment to maximising **security**.
- The responsibilities and accountabilities of the **railway organisation** and its employees with respect to **security**.
- Provision for consultation by the **railway organisation** in developing, implementing and evaluating measures relating to **security**.
- **Security** plans should include the following:
 - An assessment of the **security** risks affecting the public (including passengers), staff, rolling stock and associated infrastructure using the risk management methodology in AS/NZ 4360 – 2004, Risk Management⁵.
- The measures to be used to eliminate or reduce identified **security** risks, including training, policies, procedures and practices, equipment, facilities and physical resources.
- The measures to be used for responding to higher threat situations (low, medium, high and extreme) in accordance with the national terrorism alert levels.
- Procedures that are effective and timely for reporting and dealing with **security** threats, **security** breaches and other **security occurrences**.
- Provision for the creation and maintenance of an intelligence database, containing details of **security** breaches and **security occurrences** for data analysis.
- Procedures for dealing with emergencies and responses to emergencies, in situations dealt with by the **railway organisation** and situations coordinated by other bodies.
- The allocation of responsibilities for **security** to appropriate **persons**.
- Provision for arrangements with other transport organisations in relation to shared locations such as bus/rail interchanges.
- Provisions for liaison with other agencies and stakeholders, including the police, to share information and provide for joint operations.
- Provision for the evaluation and testing of the **security** plan and procedures and the periodic review of the risks.
- Provision for the periodic review of the risks identified by the **security** plan and the measures employed to eliminate or reduce them.
- Provision for **security** awareness training of the **railway organisation's** employees, including training relating to **security** risks and actions to be taken in the event of a **security** breach.

⁵ Compliance with AS4360 has been mandated by the National Counter-terrorism Committee, and is part of the National Transport Security Strategy.

3.13 Safety Culture

The SMS must include methods to develop and maintain a positive **safety culture** taking particular account of:

- the importance of leadership and commitment of senior management;
- the executive safety role of line management;
- the need to involve rail safety workers at all levels;
- the need for openness of communication;
- the need for human factors to be positively addressed;
- awareness and recognition of opportunities for safety improvement; and
- willingness to devote resources to safety

3.14 Consultation

The SMS must include effective structures and processes for the involvement of, and consultation with, **rail safety workers**, their representatives and other stakeholders, in respect to decisions that affect the safety of the **railway organisation's** operations.

The SMS must provide for the involvement of rail safety workers:

- at appropriate points in the risk management process;
- in the development, review and improvement of the safety management system; and
- in the development, review and improvement of procedures.

Railway organisations should take care that consultation arrangements and processes support the exercise of management accountabilities, responsibilities and authorities defined as required in section 3.4.

Meaningful and effective consultation involves drawing on the knowledge, experience and ideas of stakeholders and encouraging their participation and input to improve the systems the **railway organisation** is developing or has in place to manage safety.

Rail safety worker means a person performing or responsible for safety related work, be that person a paid member of the staff of the railway, a contractor, subcontractor, or an employee of either, or a volunteer. For example, if a **railway organisation** uses the services of labour hire companies for rail safety work, it is important to have processes in place whereby these people can effectively participate in the consultation processes.

Effective consultation:

- occurs early, before the agenda is set and decisions are made;
- is planned, genuine and collaborative, within a process that is open and receptive to **rail safety worker** participation;
- is characterised by mutual trust and respect between the **railway organisation** and its **rail safety workers**;
- requires that the **railway organisation** is interested in and values **rail safety workers'** ideas;
- requires the **railway organisation** to apply interpersonal, facilitative and listening skills;
- includes a proactive role for **rail safety workers**, who are encouraged to suggest ideas;
- requires that training in communication skills and risk assessment be provided to enable effective participation by **rail safety workers**;
- requires the provision of relevant information;
- provides opportunities for one-on-one communication with **rail safety workers**

along with clear and ongoing feedback;
and

- results in outcomes that improve the SMS.

Note: Occupational Health and Safety (OHS) laws impose specific requirements on employers in respect to consultation and consultation arrangements.

3.15 Communication

3.15.1 Provision of safety information

The SMS must include a verifiable process for disseminating safety information and procedures where appropriate to all stakeholders, supported by ongoing monitoring and review of the effectiveness of these pathways.

The system must ensure that all people undertaking rail safety work are provided with the necessary information to enable them to effectively discharge their responsibilities in relation to safety.

Safety information may include but is not limited to:

- all safety circulars and bulletins;
- rule books and procedures;
- maintenance information;
- details of temporary amendments to normal operating protocols;
- authorisations for and details relating to the conduct of rail safety work or programs and safety-related company policies and procedures;
- safety performance information, including safety related data and reports.

3.15.2 Facilitating communication

The SMS must include effective systems to support communication between people as business is conducted.

Communications systems may include:

- technology used in communication;
- the use of controlled language to facilitate shared understanding;
- opportunities for sharing safety critical information; and
- opportunities for planning how to conduct a particular task, e.g. synchronising the process to be followed and the responsibilities of each **person** conducting the task.

Communication strategies are closely linked to knowledge management and safety culture.

3.15.3 Collecting safety information

The SMS must include systems to facilitate the collection of safety information.

These systems must include but are not limited to systems for:

- the internal reporting of rail **occurrences** and supporting policies, including **occurrences** involving contractors and subcontractors;
- systems for the collection, analysis, and assessment of safety related data.

Collection of safety information is closely related to performance measures.

3.16 Risk Management

The SMS must provide for:

- the identification of all reasonably foreseeable safety risks relevant to the operations, and the effective management of these risks through implementation of a robust SMS;
- the development and implementation of a systematic approach to risk management to ensure that all hazards are identified, all risks are assessed, improvements prioritised and effective control and mitigation measures implemented, maintained and improved; and

- assurance of compliance with the risk management framework through robust monitoring and audit regimes.

An essential feature of an effective safety management system (SMS) is that it should be based on a rigorous hazard identification and risk assessment process. Only in this way can assurance be provided that safety risks are adequately controlled.

The risk management framework should be embedded in the SMS and include:

- a) A risk management policy.
- b) Resources and a commitment to competently manage risk.
- c) Consultation with and involvement of a full range of affected parties, including those at interfaces.
- d) Suitable and sufficient processes to ensure that hazards are systematically identified, assessed and prioritised, including mechanisms to ensure that these processes are applied:
 - i. prior to using premises for the first time;
 - ii. before and during the installation, erection, commissioning or alteration of railway infrastructure, rolling stock or plant on railway premises;
 - iii. before any changes that may affect risk are introduced; and
 - iv. at other appropriate times.

Note: Hazard identification processes should include the identification of hazards that represent risks to the safety of any **person** legally on rail premises who may be affected by the conduct of the **railway operations**. This would include, but not be limited to, workers, passengers, members of the public, **contractors** and other **railway organisations**.

Approaches suitable for determining low probability/high consequence events will not necessarily be appropriate for high probability/low consequence ones.

- e) Processes to identify, assess and implement all reasonably practicable controls to ensure that residual risk is 'as low as reasonably practicable' (**ALARP**).

Note: In determining risk treatments and applying the **ALARP** test, the elimination of risk should be given due consideration, and where elimination is not reasonably practicable, the Hierarchy of Control should be applied. See Section 3.4.1.

- f) Clear and comprehensive documentation of the methodologies, assumptions, data, judgements and interpretations used in the risk assessments.
- g) Procedures to ensure identified risk control measures are effectively implemented and monitored.
- h) Procedures to ensure that risk assessments and control measures are reviewed and remain current and valid whenever:
 - i. there is evidence that the risk assessment is no longer valid;
 - ii. injury, illness or **occurrences** result from exposure to a hazard to which the risk assessment relates; or
 - iii. a significant change is proposed that is relevant to the risk assessment.
- i) Procedures to ensure that the risk register (or equivalent) is maintained.
- j) Independent validation may be required.

There may be circumstances where an organisation's **railway operations** are of a nature where the limited risks presented by its operations and the relative simplicity of

exercising control over them mean that the full rigour of the above requirements may not be necessary.

3.16.1 Risk Assessment Scope and Context

Hazard identification and risk assessment processes applied within the SMS must, at a minimum, take into account:

- normal operating conditions;
- degraded conditions where any component of the railway system has failed;
- foreseeable abnormal conditions to which the railway system may be subjected (e.g. weather conditions, overcrowding, etc); and
- emergency situations.

The SMS must provide for the identification and documentation of the following aspects of the risk assessment scope and context:

- **scope/limits of interest;**
- stakeholder listing – internal and external;
- stakeholder objectives;
- acceptance criteria – functional, specified and/or derived;
- applicable laws, regulations, standards, codes and specifications;
- relevant competent authorities and their requirements;
- interfaces – full listing of physical, organisational and system interfaces; assumptions and constraints; and
- reference guidelines, reports, studies, etc.

3.16.2 Hazard Identification and Risk Assessment

The SMS must include methods for hazard identification and risk assessment that are suitable and sufficient for the nature of operations being undertaken.

Hazard identification and risk assessment methodologies used may vary between **railway organisations**. They would usually involve a combination of quantitative and qualitative risk assessment techniques (refer to AS4360 *Risk Management* and AS3931 *Risk Analysis of Technological Systems*).

In determining risk acceptance criteria and identifying appropriate risk treatments, the social cost of potential consequences should be taken into account. **Railway organisations** are required to exercise their duty of care and ensure the health and safety of all **persons** legally on rail premises who may be impacted by their operations, to the extent that this is reasonably practicable, and to which the **railway organisation** has control over the hazard giving rise to the risk.

3.16.3 Risk Acceptability Criteria and ALARP

Organisations will need to formally define their processes for assessing the acceptability of the estimated risks. Acceptability criteria may be qualitative, quantitative or a mixture of both. However, a minimum requirement is that risks must be demonstrably **ALARP**. This refers to an assessment process where relevant factors are weighed to determine the extent to which hazards must be controlled. These factors include:

- the likelihood of the risk eventuating;
- the degree of harm which would follow if the risk eventuated;
- the state of knowledge within the industry about the risk and ways to control it;
- the availability of control measures for the risk; and
- the cost, time and trouble involved in controlling the risk.

ALARP is a concept that is derived from general law and is not unique to rail safety regulation.

In considering the above factors, an assessment is made as to whether the cost, time and trouble involved in eliminating or

controlling a particular risk is reasonable, given the likelihood of the risk eventuating and the degree of harm which would follow if the risk eventuated. That is, only if it can be shown that there is gross disproportion between the cost, time and trouble required to eliminate or control the risk, and the likelihood and potential harm of the risk in question, should cost considerations prevail.

Where risk treatments are being considered, the rail safety regulator (RSR) will be looking for evidence of a clear bias in favour of safety.

The reasonable practicability of control measures is likely to change over time, for example, as a result of advances in technology, reductions in the cost associated with technological or engineering solutions, or the availability of control measures. Satisfaction of the **ALARP** test over time is closely associated with the effective application of the principles of continuous improvement within the SMS.

3.16.4 Definition and Management of Controls and Elimination of Risks

3.16.4.1 Elimination of risk and the Hierarchy of Control

The SMS must provide for the elimination of risks wherever it is reasonably practicable to do so.

The SMS must provide for the control of the risk, where elimination is not reasonably practicable.

In controlling the risk, one or more of the following measures should be taken (in the order specified) to minimise the risk to the lowest level reasonably practicable:

1. Substituting the hazard giving rise to the risk with a hazard that gives rise to a lesser risk.
2. Isolating the hazard from the **person** put at risk.
3. Minimising the risk by engineering means.
4. Minimising the risk by administrative means (for example, by adopting safe working practices or providing appropriate training, instruction or information).
5. Using personal protective equipment.

A combination of the above measures should be taken to minimise the risk to the lowest level reasonably practicable if no single measure is sufficient for that purpose.

3.16.4.2 Risk control systems

Risk control systems are components, subsystems or integrating systems within the SMS, through which risks are controlled, or where the organisation sets out how specific risk controls are implemented and maintained in the context of management arrangements.

The organisation may apply various standards, codes of practice and procedures to manage specific safety risks. These may inform an organisation on how to put in place effective systems to control key safety risks.

Examples of topics for rail risk control systems include:

- access and egress of passengers;
- communications;
- Contract Management System (CMS) for procurement;
- control of **contractors**;
- control of interfaces;
- control of level crossings;
- crowd control;
- drugs and alcohol procedures;
- emergency response;
- fire safety;
- management of change;
- operation of platform vehicles;
- operation of underground, subsurface or major stations;

- permit-to-work;
- planned preventative maintenance (PPM) of infrastructure and rolling stock;
- recovery of failed train;
- risk assessment;
- signal sighting;
- Signal Passed At Danger (SPAD) management;
- station control;
- station **security**;
- trackside working;
- train dispatch and arrival;
- trespass and vandalism control;
- violence to staff; and
- working hours.

This is not intended to be a comprehensive list and each organisation will need to consider their activities in determining what risk control systems are necessary.

3.16.5 Risk register

The SMS must provide for the establishment and maintenance of a risk register. The risk register must include the following:

- a comprehensive listing of hazards;
- risk associated with each hazard;
- the controls applicable to each hazard;
- nomination of the party responsible for each control;
- key standards applicable to each control (engineering, operational, maintenance); and
- cross-referencing to other relevant aspects of the SMS such as operating rules/procedures, training/**competency** requirements, inspection/testing/audit regime, etc.

The risk register should include, or make reference to, a documented set of engineering, equipment and operational systems safety standards covering the key

engineering, equipment and operational risks identified in AS4292.

The risk register is a 'live' tool that clearly **documents** the hazards faced and the means by which risks are controlled. As operations change, the risk register should be updated accordingly. At any time, the risk register should provide an accurate statement of the hazards faced and the controls applied. As such, it is an invaluable reference point for a number of safety management activities, providing the basis for risk-based management decisions and activities.

3.16.6 Linkages within the Safety Management System

The SMS must provide for links between the risk assessment process and risk control systems, such that:

- work programs are prioritised to ensure that those hazards representing the greatest risk are given priority; and
- management decisions affecting safety are risk-based, drawing upon the knowledge gained from the risk assessment process.

The risk assessment is instrumental in defining appropriate controls to ensure that risks are **ALARP**. The SMS provides the mechanism for assurance that the defined controls are effectively implemented throughout the life of the facilities. Critical components of the SMS in this respect include:

- operational procedures and rules related to the defined controls, including under abnormal conditions;
- definition of minimum staff competencies required for effective implementation of the defined controls;
- change management (especially management of changes that might affect the integrity of the defined controls); and
- establishing monitoring/inspection/audit regimes to ensure ongoing effectiveness of controls.

3.16.7 Staff Risk Management Competency

The SMS must provide for the promotion of risk management competency within the organisation such that all staff with safety management responsibilities understand and can apply the following concepts as they relate to risk management:

- the overall risk management process and the role of risk assessment in the context of the organisation's SMS;
- 'systemic' or 'organisational' factors which can create safety hazards;
- human factors and the human machine interface, including errors and violations;
- 'actual' and 'potential' outcomes;
- the susceptibility to failure of engineered controls due to inadequate design, installation, operation or maintenance;
- the 'Hierarchy of Control', which includes elimination, substitution, isolation, engineering, administrative/procedural, Personal Protective Equipment (PPE);
- the concept of multiple layers of defence for complex hazards;
- 'failsafe' design/certification; and
- the duty of individuals to actively participate in the processes of hazard identification, risk assessment and safety management.

Note: Where an external consultant or other third party is engaged to undertake or facilitate the conduct of a risk management (or other) exercise or the development of a risk management framework or SMS, the **railway organisation** must be able to demonstrate that the people who will take over management of the system once the consultant has departed have the **competency** and capacity to do so. One way the RSR will assess this capacity is through liaison processes undertaken at accreditation. The RSR may not be satisfied of the **railway organisation's** ongoing **competency** and capacity where the organisation delegates liaison with the

RSR substantively to a consultant engaged for the purposes of gaining accreditation.

There are a number of sources that applicants may refer to for guidance in undertaking risk management activities. These include AS4360 *Risk Management* and AS3931 *Risk Analysis of Technological Systems*. When referring to these or other sources of information, applicants should remain aware of possible deficiencies or gaps within the guidance due to the age or context of the document.

For example: In a rapidly developing field such as safety science, standards and texts developed some years previously may include insufficient treatment of key considerations such as human factors.

Applicants are welcome to discuss processes for hazard identification and risk management with staff of the RSR prior to lodging their application.

3.17 Personnel Management

3.17.1 Health and Fitness

The SMS must include effective processes and programs to ensure employees (and **contractors**) who perform rail safety work are of sufficient good health and fitness to perform the functions for which they are certified or the tasks they undertake.

The National Health Assessment Standard is the minimum standard to be applied for the management of **rail safety worker** health assessment.

3.17.2 Drug and Alcohol Control

The SMS must include effective processes and programs to ensure employees (and **contractors**) who perform rail safety work are not working under the influence of drugs or alcohol.

3.17.3 Fatigue Management

The SMS must include effective processes and programs to ensure employees (and **contractors**) that perform rail safety work are not subject to levels of fatigue that compromise their ability to perform their work safely and competently.

3.18 Rail Safety Worker Competence

The SMS must include processes and programs for the management of rail safety worker competence sufficient to ensure that:

- **rail safety workers** are competent to perform the rail safety work they undertake.
- Appropriately qualified and certified personnel are in place for the scope and limits of **railway operations**. For example, there must be a procedure for signing off on the safety of rolling stock and infrastructure. Those people signing off must be suitably qualified and competent to make the necessary assessments.

Where there is a nationally endorsed competency standard for a particular process or activity, for example national competency standards developed by an industry skills council such as TDT Australia, AROs training should meet or exceed the requirements of such standards. AROs should assess the training packages to be applied to ensure that they meet the competency standard and address any additional requirements that arise from their specific activities and context.

Rail Safety Worker competence processes and programs should specify the period for reassessment of competence.

3.19 Procurement and Contract Management

The SMS must include suitable and sufficient processes to warrant the competence and capacity of all **contractors** and suppliers and ensure they have appropriate risk management and SMSs in place.

Railway organisations remain responsible for the safe conduct of their **railway operations**, irrespective of whether or not activities are contracted to other parties⁶. That is, the principal cannot contract out responsibility for safety, and retains responsibility to the extent that they can exercise control irrespective of the details of the contract issued. This means that:

- as the principal, **railway organisations** need to provide adequate supervision of **persons** conducting rail safety work; and
- as a purchaser, the **railway organisation** need to take all reasonably practicable steps to ensure that goods or services provided to the **railway operation** are of an appropriate standard and specification to ensure the safety of the railway operation.

Implementation of an appropriate management system is especially important where the maintenance and engineering support for key safety assets is contracted to other parties.

3.19.1 Pre-contract activities

The SMS must include suitable and sufficient procedures for:

- Gaining a clear understanding of the what work their contractors will undertake;

⁶ In determining the responsibilities of parties undertaking activities related to a **railway organisation's** operations, it is necessary to understand the concepts of non-delegable duties and control.

A non-delegable duty is one that cannot be transferred to another party. The duties to ensure the safety of employees and other persons on rail premises are non-delegable duties. The concept of non-delegable duties originates in common law and underpins the implicit obligation on each duty holder to exercise control. Each duty holder remains responsible for safety to the extent that they are able to exercise control over the source of the hazard.

- Identifying, analysing and evaluating the risks that are related to the work to be undertaken;
- Identifying ways of eliminating and controlling those risks, where this is within the ability of the principal;
- Setting or approving standards which specify the conditions that the contractor must work to, including:
 - competency standards
 - retention of safety related records that are accessible for review at all times;
 - requirements in relation to the **contractor's** SMS
 - safety performance standards
 - adherence to safety standards or laws applying to the work in question.
- Reviewing tender or proposal invitation **documents** and contracts to ensure that railway safety requirements, and specifically those that impact on the parent railway safety accreditation, are adequately defined and documented.
- Ensuring that the terms of the contract do not, in form or effect, require the contracting party to work in an unsafe manner, for example, by including time frames and remuneration that necessitates employees working while suffering from excessive fatigue.
- Ensuring purchasing **documents** contain adequately specified railway safety requirements, including the interface between the SMS of the principal and that of the **contractor** e.g. **contractor** participation in consultative mechanisms, site induction and training, or communication arrangements.
- Ensuring that any conflict between the specified railway safety requirements and those contained in a tender or proposal are resolved before a contract is awarded.

- Selection, control and ongoing review of **contractors** and **subcontractors** for safety-related work, including the coordination of these activities across all parts of the organisation. The type and extent of control exercised must be dependent upon the type of service and where appropriate, on the records of **contractors'** and **sub-contractors'** previously demonstrated capability and safety performance.
- Reviewing the ability of **contractors** and **sub-contractors** to meet railway safety requirements prior to selection.
- Reviewing the capability of a **contractor** to meet the specified railway safety requirements of a contract before it is awarded. This includes reviewing the processes used by a **contractor** to engage a **sub-contractor** during the course of a contract. The **contractors'** systems must be sufficient to ensure that the capabilities of the proposed **sub-contractor** are appropriate to meet the specified railway safety requirements.

3.19.2 Contract management

The SMS must include suitable and sufficient procedures for:

- Regular recording and reviewing of the performance of **contractors** and **sub-contractors**, including conducting or commissioning audits of the **contractor's** performance in relation to the safety aspects of the contract. Monitoring compliance may require field inspections of the **contractor** at work. **Railway organisations** should not rely solely on desk audits or an absence of **occurrences** to establish performance standards. A mix of proactive and reactive monitoring should be applied.
- Verifying that the supplied product or service, including those supplied from within the organisation, meet railway safety requirements prior to acceptance.
- Ensuring, where appropriate or specified, that the manufacturer or

supplier of goods may be identified through batch or other identification.

- Verifying and documenting that spares, components and specialist tools for use on safety critical equipment that have been produced to a revised specification or standard are reassessed to validate the suitability for their rail safety function.
- Identifying and documenting and compliance with requirements in relation to shelf life and storage conditions of spare parts, components and tools.
- Verifying, where appropriate, that any delegated engineering authorities are appropriately exercised.
- Taking action to remedy matters if the work quality, other engineering standards or safety requirements are not being met.

3.19.3 Review Process

The SMS must provide for procedures to review information provided from agreed performance indicators and the auditing of contractors.

The review process should address the following:

- The entire contract management process from the decision to use contractors to the review at the end of the contract including the outcomes of the audit process.
- Contractor involvement in the review process.
- The arrangements for the dissemination of outcomes from the current review to affected parties.
- The process for recording the lessons learned from the contract review.
- The process for feeding lessons learned back into each stage of the overall process from procurement through technical performance standard setting to management of the actual work.

3.20 Engineering and Operational Safety Systems

The SMS must include a suitable, sufficient and documented set of engineering and operational systems safety standards, informed by the risk register and the operating **environment**, to cover all relevant aspects of:

- Track and civil infrastructure.
- Rolling stock.
- Signalling and telecommunications systems and equipment.
- Operations and train control systems.
- IT systems that impact on rail safety.
- Electric traction systems.
- Interfaces with other transport modes, for example road transport or pedestrian traffic, and other **railway organisations**, including:
 - minimising risk at level crossings and multiple user yard operations, including private sidings;
 - ensuring the integrity of rail-over or rail-under structures, including over-height protection for road-under-rail structures; and
 - where practicable, minimising the risk of track obstruction arising from accidents on nearby roads or other transport routes, or involving services such as waterways, pipelines and high voltage power lines
 - Managing the risks associated with the construction and maintenance of non-railway services on and utilities on railway property.
 - Managing the risks associated with the interface between rail and non-rail traffic on roadways, at terminals, yards and stations, and at joint/alternate use facilities such as dual use roadways and bridges.
- Interfaces with other rail networks:

- Connection of one network to another including the definition of the interface points and the management of the infrastructure and train operations through the connection
- Crossings (at grade or separated) of the networks including the management of infrastructure and train operations at the crossing points
- Management of infrastructure and train operations in shared corridors.

3.21 Process Control

The SMS must include documented procedures that are suitable and sufficient to ensure the safe carrying out of **railway operations**.

Process control documentation must include (but is not limited to) documented procedures for:

- risk management activities including hazard identification and reporting, risk assessment and risk control (see also Section 3.16 *Risk Management*);
- emergency procedures (see also Section 3.12 *Security* and 3.27 *Occurrence Management*);
- managing change, especially those changes impacting upon operational practices;
- ensuring the above procedures are being applied and that an acceptable standard is being achieved; and
- activities where procedures are applied to control an identified hazard, for example, specifying the production, service delivery, installation and maintenance processes to be used in the safe carrying out of **railway operations**, where the absence of such documentation would adversely affect railway safety.

Where safe work procedures are required, they must be documented in a manner that ensures those involved or exposed to a process are equipped to conduct the railway

activity in a safe and healthy manner. Safe work procedures must include, but are not limited to:

- a description of the activity;
- the **person** or position that has a supervisory responsibility for the activity or process;
- a clear explanation in sequential order of the steps or stages comprising the procedure or process;
- potential hazards;
- safety controls to minimise potential risk from any identified hazards;
- recovery actions should the risks associated with the hazards be realised;
- health and safety precautions to be followed in the course of carrying out railway activities;
- mechanisms for reviewing procedures; and
- document control information.

In particular, without limiting the generality of the above requirements, procedures must be established and maintained for the following aspects, where they are applicable to the **railway organisation's** operations. (Note: these lists are not exhaustive)

3.21.1 Operational aspects

3.21.1.1 General

- Worker competence.
- Protecting **rail safety workers** moving on or about the track.
- Minimising human error in formulation, transmission and execution of authorities or instructions.

3.21.1.2 Train Management

- Establishment and maintenance of train integrity, before and during a journey.
- Train crew possession of route knowledge, including the safeworking system in use, track, station, stopping place and terminal layout, communications system in use, signalling arrangements, speed limits,

emergency procedures and any other local conditions affecting railway safety.

- Identification of changes in the safeworking system.
- Traction and train knowledge.
- Securing of rolling stock when stopped or parked.
- Protecting against over-speed operation.
- Train performance-monitoring arrangements.
- Axle loads.
- Securing of loads.
- Other operational procedures.

3.21.1.3 Traffic Management

- Establishment and maintenance of route integrity, including:
 - Ensuring that trains can operate safely over the route;
 - Availability and suitability of route.
- Application of safe working system rules and procedures.
- Train control and signalling and telecommunications systems, including but not limited to:
 - Maintaining safe train separation.
 - System knowledge including routes and layouts;
 - Train knowledge;
 - Route occupancy knowledge;
 - Hand over protocols to other control areas.
- Communication between the train crew and the person controlling trains.
- Failure and emergency procedures.
- Indication of track speed limits.

3.21.2 Infrastructure aspects

- Ensuring the integrity of the track and other infrastructure.

- Ensuring that railway traffic and track and other infrastructure have compatible operating parameters.
- Ensuring the safety of **persons** and property on or adjacent to the railway.
- Communicating operating parameters, requirements and restrictions by adequate and effective means.
- Structure clearances.
- Track gauge and tolerance.
- Capacity of track and civil infrastructure.
- Track crossing work geometry.

3.21.3 Electric traction infrastructure aspects

- Fault protection.
- Power supply parameters.
- Electrical clearances and approach distances.
- Spatial location of conductors.
- Safety switching and isolation procedures.
- Earthing and bonding.
- Other electric distribution or supply systems.

3.21.4 Rolling stock aspects

- Ensuring the integrity of rolling stock.
- Ensuring compatibility with track and other infrastructure parameters.
- Ensuring safe retention of loads on wagons.
- Provision of adequate passenger and **rail safety worker** protection in the event of a derailment, collision or other unscheduled event.
- Provision of reliable vehicle couplings, brake systems and other connections between vehicles.
- Vehicle and load dimensions, including clearances.
- Ensuring the roadworthiness of vehicle.

- Establishing permissible speed limits.
- Determining the size, shape, gauge and gauge tolerance of wheels.
- Determining the limits on wheel flange thickness, shape and wheel defects.
- Determining coupling types, height and maintenance limits.
- Monitoring the braking system, including train performance parameters.
- Monitoring vehicle equipment.
- Monitoring vehicle maintenance standards and procedures.
- Vehicle recognition, including bogie types.
- Electrical resistance tolerances between wheel to rail contact faces on the same axle.
- Electrical compatibility between traction systems and signalling and communication systems.
- Effectiveness of vigilance controls, or automatic overriding stopping systems.

Process control ensures that railway activities, especially those associated with risk management, are conducted in a planned and systematic manner through the implementation and maintenance of documented procedures. Process procedures should be documented to ensure uniform communication and implementation.

Procedures should be clearly expressed, simple and usable on a day-to-day basis. **Rail safety workers** must be involved in the development and improvement of procedures. (see section 3.14 Consultation).

3.22 Corrective Action

The SMS must include suitable and sufficient processes to:

- ensure that corrective action is taken in response to inspection and testing, audits, investigation and hazard reporting, where the assessed safety

condition of any elements of a **railway organisation's** SMSs:

- would cause the railway's safety standards to be infringed;
- has reached prescribed intervention levels; or
- would cause the risk to exceed acceptable levels.
- review corrective actions, prioritise them appropriately and monitor their implementation; and
- assign responsibility for corrective action to designated competent **persons**.

Corrective action ensures that the outcomes of inspection and testing, audits, investigation and hazard reporting procedures are reviewed and appropriate procedures implemented to rectify non-conformance and prevent its recurrence.

3.23 Design and Development

The SMS must include suitable and sufficient processes to ensure the control and verification of the design of structures, vehicles, equipment and systems (including IT systems) in accordance with safety requirements for engineering and operational systems.

In particular, design control procedures must include the following:

- Identification of the responsibility for each design or development activity.
- Safety review at the design input and design output stages taking into account reliability and maintainability.
- Assignment of design verification functions.
- Impact on operations and maintenance functions.
- Notification of any change to affected staff.
- Control of safety documentation.
- Interface of human factors.

The design and development process may introduce risk or change existing mitigated risks to an organisation unless the process is controlled and due consideration is given to railway safety issues during the design and development phase. Design control seeks to minimise risks emanating from the design process.

Note: Further guidance in relation to design and development and management of the asset life cycle is provided in AS4292.

3.24 Inspection and Testing

The SMS must include a suitable and sufficient testing and inspection plan.

The testing and inspection plan must meet internal requirements for testing and inspection as well as those required by legislation, authorities or bodies external to the organisation, such as government agencies, industry associations and/or industry codes.

The SMS must include suitable and sufficient procedures/systems for the following:

- Inspection and testing of safety-related engineering and operational systems. The procedures must define the location, method, level of detail and frequency of inspection and testing. The procedures must also identify the circumstances in which inspection and testing is to occur. For example, on a regular schedule or in response to defined events.
- Ensuring all equipment used for inspecting and testing is calibrated and maintained, used correctly with known measurement uncertainty and is consistent with the required measurement capability.
- Ensuring special provisions are in place for in-service monitoring when the safety of part of an engineering or operational system cannot be verified prior to its

commissioning or its entry into service, i.e. safety issues become apparent only after the activity has started or the item has been placed into service. The requirements for such monitoring must be documented.

- Ensuring the frequency of inspection and testing of each item of the safety-related engineering and operational system take the following into account (response to defined events and **occurrences** must be additional to scheduled inspections):
 - traffic volume, operational speed and load limits;
 - known or estimated rate of deterioration of critical elements, for example:
 - consequences of failure of any part of the system;
 - adverse environmental factors; and
 - **occurrence** experience.
 - recommendations of the manufacturer; and
 - statistical records of safety performance (e.g. failures per distance travelled).
- Establishment and maintenance of inspection and testing records that provide evidence of the condition of all elements critical to railway safety. Inspection and testing records are to be classified as safety records and managed in accordance with processes for information management required by section 3.7 Document Control and Information Management.
- Standards and procedures for assessing the condition of all safety-related engineering and operational systems as required by section 3.20 above.
- Assigning testing and inspection responsibilities to suitably skilled and qualified personnel. Responsibilities to be assigned must include the development of testing and inspection

procedures, conduct of tests and inspections, conformance verification, identifying non-conformance and/or tasks associated with rectifying non-conformance.

- Appropriate training in inspection and testing procedures where required.

A planned system of inspection and testing ensures that the working **environment**, plant, equipment and/or procedures used in the conduct of **railway operations** conform to predetermined standards, legislative requirements and/or specifications.

3.25 Asset Management

The SMS must include an effective asset management program that includes:

- an asset management policy;
- accountability for asset management that clearly:
 - indicates the accountability of line managers for all asset safety up to the level of **CEO**; and
 - identifies technically qualified and competent **persons** responsible for asset integrity and safety.
- defined serviceability standards; and
- an appropriate asset management system which addresses all phases of the asset lifecycle, including:
 - concept
 - design
 - construction;
 - implementation;
 - commissioning;
 - operation;
 - monitoring (including inspection and testing);
 - maintenance;
 - modification;

- decommissioning; and
- demolition or disposal.

3.26 Safety Interface Coordination

See also Section 3.16 *Risk Management*.

The SMS must include processes for:

- the identification of safety interfaces for which other **persons**/stakeholders have safety-related responsibilities.
- The development and implementation of ICPs
- Establishment and maintenance of a register of current ICPs
- Monitoring effectiveness of, and compliance with, ICPs.

ICPs must, at a minimum, comply with any RSR guidelines on ICPs. The plan must clearly delineate the responsibilities of each party or functional area involved and must be agreed to by those parties or functional areas.

Further guidance is contained in AS4292.

3.27 Occurrence and Emergency Management

The SMS must include suitable and sufficient emergency and **occurrence** management plans and supporting procedures. The plans and procedures must take into account the seriousness of the **occurrence** or emergency, and the potential danger. They must include:

- Allocation of roles and responsibilities within and between organisations;
- Training and arrangements to maintain competence in emergency situations;
- Initial response procedures;
- Call-out procedures;
- On-site management of the **occurrence**;

- Liaison with relevant emergency services;
- Arrangements for effective communications and co-operation throughout the emergency response;
- Recovery procedures; and
- Initiation of investigation.

The viability and efficiency of emergency procedures must be established by practical testing.

In effectively managing the scene of an emergency, the RSR would expect a **railway organisation** to have interfaces and agreements with relevant emergency service organisations and other relevant stakeholders. The agreements should, at a minimum, cover:

- meeting frequency;
- different arrangements at varying levels of the organisation;
- preparedness;
- liaison arrangements at **occurrence** site;
- evacuation and emergency management plans;
- rehearsals, drills and/or simulated exercises; and
- post-occurrence debriefing to identify possible improvements to emergency management systems.

3.28 Investigation

The SMS must include a suitable and sufficient process to properly manage the investigation of **occurrences**. This must include a process for identifying **occurrences** for investigation, and the appropriate level of investigation.

The primary purpose of the investigation must be to identify and make recommendations for safety actions and improvements in relation to all contributing factors to the **occurrence**, rather than to apportion blame or establish liability.

However, where unacceptable actions are found to have contributed to an **occurrence**, the **railway organisation**

must take action in accordance with its internal policies.

In particular, the investigation processes must address:

- management of the scene and protection of evidence;
- methods for determining the appropriate level and independence of an investigation;
- methods for ensuring investigators have the competencies relevant to their role in the investigation;
- methods for ensuring investigators have access to technical expertise relevant to the particular **occurrence**;
- methods to ensure adequate analysis of the **occurrence** and review of risk assessments and risk control measures relevant to the **occurrence** (for example, consideration of human factors, the identification of errors or violations and consideration of these factors in developing safety actions appropriate to each contributing factor);
- the appropriate review of investigation reports, including documented rationale for acceptance or rejection of findings and recommended actions;
- a tracking system for the timely implementation of recommended actions;
- interfaces between the investigation process and change management and consultation (or other) processes; and
- reporting of significant safety issues arising out of investigation reports to the RSR.

Any significant issues that, following a risk assessment, do not require new or revised control measures must nonetheless be documented, and the reasons supporting the assessment

included in this documentation and reported to the RSR.

The SMS must provide for the application of the following principles in **occurrence** investigation:

- 'Systemic' or 'organisational' factors which can create safety hazards.
- Human factors and human machine interface, including errors and violations.
- 'Actual' and 'potential' outcomes.
- The susceptibility to failure of engineered controls due to inadequate design, installation or maintenance.
- The 'Hierarchy of Control', which includes elimination, substitution, isolation, engineering, administrative/procedural and Personal Protective Equipment (PPE).
- Failsafe design/certification.
- The duty of individuals to actively participate in the processes of hazard identification and safety management.

AS5022 – 2001 *Guidelines for Railway Safety Investigation* provides guidance for the conduct of rail safety investigations.

Where an application does not clearly demonstrate an understanding of the above points, applicants may be required to provide further information.

4 References and Resources (Legislation, Standards and Guidelines)

4.1 Rail Safety Legislation

NSW: Rail Safety Act 2002	www.legislation.nsw.gov.au
South Australia: Rail Safety Act 1996	www.parliament.sa.gov.au
Western Australia: Rail Safety Act 1998	www.slp.wa.gov.au
Tasmania: Rail Safety Act 1997	www.thelaw.tas.gov.au
Northern Territory: Rail Safety Act 2001	www.nt.gov.au
Queensland: Transport Infrastructure Act 1994	www.legislation.qld.gov.au
Victoria: Transport Act 1983	www.dms.dpc.vic.gov.au

4.2 Australian Standards

The following standards and supporting **documents** are possible sources of information for **railway organisations** seeking information in relation to management systems, risk management and related fields. The list is not exhaustive. It should be noted that some compliance with some standards may be mandatory in some jurisdictions, for example, AS4292.

AS3806 – 1998 Compliance Programs

HB 133 – 1999 A guide to AS 3806-01998 Compliance Programs

AS3930 – 1992 Reliability and Maintainability: Introductory Guide

AS3931 – 1998 Risk Analysis of Technological Systems: Application Guide

AS3960 – 1990 Guide to Reliability and Maintainability Program Management

AS/NZS 4360 – 2004 Risk Management

HB 436:2004 (Guidelines to AS/NZS 4360:2004)

HB 240 – 2004 Guidelines for Managing Risk in Outsourcing Utilising the AS/NZS 4360:2004 Process

HB 254 – 2005 Governance, risk management and control assurance

AS/NZS 4581 – 1999 Management System Integration – Guidance to Business, Government and Community Organisations

AS4081 – 2000 Occupational Health and Safety Management Systems – Specifications With Guidance for Use

AS4292.1 – 2005 Railway Safety Management – General Requirements

AS4292.2 – 1997 Railway Safety Management – Track, Civil and Electrical Infrastructure

AS4292.3 – 1997 Railway Safety Management – Rolling Stock

AS4292.4 – 1997 Railway Safety Management – Signalling and Telecommunications Systems and Equipment

AS4292.5 – 1997 Railway Safety Management – Operational Systems

AS4292.6 – 1997 Railway Safety Management – Railway Interface with Other Infrastructure

AS4292.7 - 2005 Railway Safety Management – Railway Safety Investigation

AS4804 – 2001 General Guidelines on Principles, Systems and Supporting Techniques

AS5022 – 2001 Guidelines for Railway Safety Investigation

AS5037 (int) – 2003 Knowledge Management

AS8000 – 2003 Corporate Governance – Good Governance Principles

AS8002 – 2003 Corporate Governance – Organisational Codes of Conduct

AS8004 – 2003 Corporate Governance – Whistleblower Protection Programs for Entities

AS/NZS ISO 9001 – 2000 Quality Management Systems – Requirements

AS15489.1 – 2002 Records Management General

AS15489.2 – 2002 Records Management Guidelines

AS/NZS ISO 19011:2003 Guidelines for quality and/or environmental management systems auditing

HB 401 – 2004 Applications of Corporate Governance

DR 03522 CP – Dispute Management

CB 029 – 2003 The Audit Skills Handbook

4.3 Other useful sources of information

OHS Consultation Code of Practice (NSW), available from www.workcover.nsw.gov.au

5 RSR Contact Details

5.1 Victorian Government

Department of Infrastructure

P: (03) 9655 8949 or 1800 888 949 for country Victorian callers

F: (03) 9655 8929

M: Public Transport Safety Victoria
GPO Box 2797 Melbourne VIC 3001

W: www.doi.vic.gov.au

5.2 New South Wales Government

Independent Transport Safety and Reliability Regulator

E: contact@transportregulator.nsw.gov.au

P: (02) 8263 7100

F: (02) 8263 7200

M: PO Box A2633
Sydney South NSW 1235

W: www.transportregulator.nsw.gov.au

5.3 Queensland Government

Queensland Transport

E: rsau@transport.qld.gov.au

P: (07) 3253 4225

F: (07) 3253 4233

M: PO Box 673
Fortitude Valley QLD 4006

W: www.transport.qld.gov.au

5.4 South Australian Government

Transport SA

P: 1300 360 067

M: Transport SA
PO Box 1
Walkerville SA 5081

W: www.transport.sa.gov.au

5.5 Government of Western Australia

Department for Planning and Infrastructure – Office Of Rail Safety

E: railsafety@dpi.wa.gov.au

P: (08) 9216 8405

F: (08) 9216 8683

M: GPO Box C102
Perth WA 6839

W: www.dpi.wa.gov.au

5.6 Northern Territory Government

Department of Infrastructure, Planning and Environment

E: railsafety@nt.gov.au

P: (08) 8924 7540

F: (08) 8924 7937

M: Department of Infrastructure Planning and Environment
Rail Safety Unit
GPO Box 2520
Darwin NT 0801

W: www.ipe.nt.gov.au/whatwedo/railsafety

5.7 Tasmanian Government

Department of Infrastructure, Energy and Resources

E: info@dier.tas.gov.au

P: (03) 6233 5225

F: (03) 6233 6438

M: GPO BOX 936
Hobart Tasmania 7001

W: www.dier.tas.gov.au

NATIONAL RAIL SAFETY ACCREDITATION PROCESS

Version 2.0
(controlled document)

THE RAIL SAFETY REGULATORS PANEL
AUSTRALIA

December 2005

1.0 Introduction

1.1 Purpose

This document describes the processes associated with applying for and processing applications for rail accreditation.

This document is part of the National Rail Safety Accreditation Package (NAP).

1.2 Scope

This document applies to all applications for **principal** accreditation, variation to accreditation, and recognition of existing accreditation held in another jurisdiction.

1.3 Commencement

The processes described in this document apply from 31 January 2005.

1.4 Review

This document will be reviewed every three years or in response to identified need. Review will be initiated by the Rail Safety Regulators Panel.

1.5 Definitions

Accredited Railway Organisation: A **railway organisation** that holds a current rail accreditation.

Core SMS: The safety management system (SMS) submitted in support of a **railway organisation's principal accreditation**.

Documents: Any record of information, including:

- (a) anything on which there is writing;
- (b) anything on which there are marks, figures, symbols or perforations having a meaning for **persons** qualified to interpret them;

- (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else; and
- (d) a map, plan, drawing or photograph.

Material Change:

Change to an operator's activities or circumstances which requires an application for variation to an accreditation.

May:

Indicates the existence of an option.

Person:

An individual, corporation, body corporate or politic.

Principal accreditation:

The accreditation held in the jurisdiction where most of the **railway organisation's railway operations** are conducted. Where the operations in question are entirely separate from one another, a **railway organisation** may hold more than one **principal** accreditation.

Principal Rail Safety Regulator (PRSR):

The PRSR should primarily be determined after consideration of the one-stop-shop principle so that direct contact and meetings can be held between the PRSR and the **railway organisation's** safety manager in the jurisdiction where the **railway organisation's** primary safety contact **person** is located. Generally, this will be where the applicant's **principal** business is and where accreditation was initially sought/granted and where safety **documents** and records are usually located and available for audit. It may, by agreement between regulators, be in the jurisdiction where direct contact is most practical.

Other Rail Safety Regulator:

The rail safety regulator (RSR) in the jurisdiction where recognition of the **principal accreditation** is sought.

Railway Operation:

The control and management of the movement of trains.

Railway Operator:

The person or body who has ultimate management accountability for safe operation of rolling stock on a railway.

Railway Organisation:

A track manager or an operator, or a person or a body which is both track manager and operator that is accredited or required to be accredited under Rail Safety or other applicable legislation applying in an Australian jurisdiction.

Shall:

Indicates that a statement is mandatory

Should:

Use of the word 'should' indicates a recommendation of the RSRP; however, the railway organisation is free to follow a different course of action.

1.6 Glossary of Abbreviations

ARO = Accredited Railway Organisation

MOC = Management of Change

NAP = National Rail Safety Accreditation Package

ORSR = Other Rail Safety Regulator

PRSR = Principal Rail Safety Regulator

RSR = Rail Safety Regulator

SMS = Safety Management System

2.0 The Accreditation Process

To become an accredited operator, approval must be granted by the rail safety regulator (RSR). This process involves the submission, assessment and acceptance of proposed safety management systems (SMS) and supporting information to demonstrate that the applicant meets the requirements for accreditation.

Under some circumstances in some jurisdictions, the RSR may grant provisional or interim accreditation. Where the RSR considers this appropriate, the reasons will be discussed with the applicant.

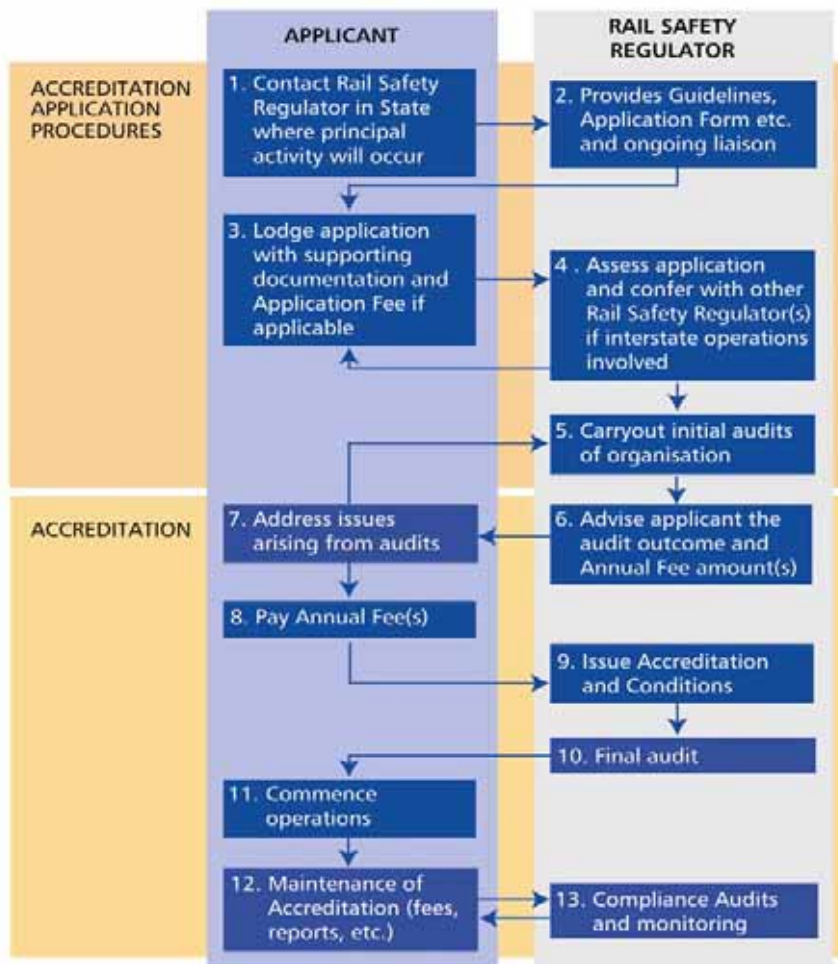
Different processes apply to the varying circumstances of accreditation applications.

Railway organisations may apply to the RSR for:

- a new principal accreditation;
- variation to an existing accreditation; and
- recognition of existing accreditation held in another state.

2.1 Accreditation Process Flowchart

The process for acquiring and monitoring **principal** rail accreditation is as follows:



3.0 Explanation of Accreditation Process Stages

Note: The order of steps in the following process is indicative only; the steps may not be followed precisely in the order described.

3.1 Applicant Contacts RSR in State Where Principal Activity Will Occur.

Applicants for accreditation should contact the rail safety regulator (RSR) in the jurisdiction where their principal activity will be conducted. The RSR will invite the applicant to a meeting where the RSR will describe, step-by-step, the application process, including applicable standards and guidelines and relevant state-specific legislation. The RSR will also provide the applicant with all relevant **documents** and application forms.

The following minimum information should be provided to the RSR when making the initial contact:

- applicant details;
- contact numbers;
- jurisdiction(s) in which the activities are planned;
- scope of activities planned for each jurisdiction; and
- indicative timeframe for commencement of planned activities.

3.2 RSR Provides Application Forms and Establishes Ongoing Liaison

3.2.1 Initial meeting

RSR will hold an initial meeting with the applicant to discuss issues relevant to achieving accreditation. These may include but are not limited to:

- legislative requirements of the relevant Government Act(s);
- standard conditions of accreditation;

- the application process;
- Australian Standard Railway Safety Management AS4292.1;
- procedures for obtaining recognition of an existing accreditation for activities in other jurisdictions, if applicable;
- scope of applicant's proposed activities;
- risk management standard AS4360;
- applicant's timeframe for commencement of planned activities;
- costs associated with applying for accreditation;
- Occupational Health and Safety Management Standard AS4801;
- annual accreditation fees; and
- establishing steps for ongoing liaison with the RSR to progress the application through to approval.

3.2.2 Documentation supplied by the RSR

The RSR shall provide the applicant with:

- accreditation application forms; and
- a copy of the relevant rail safety legislation.

The RSR and applicant shall establish liaison requirements and a communications schedule as necessary to facilitate the ongoing exchange of information (including draft plans and advice) to satisfactorily develop the accreditation application.

3.3 Lodge Application With Supporting Documentation and Application Fee

3.3.1 Accreditation application form and supporting documentation

Applications for accreditation should be lodged with the RSR in the jurisdiction(s) in

which the operations requiring accreditation are to occur.

The accreditation application form is to be correctly completed by the applicant, signed by the relevant responsible **person(s)** and supported by appropriate documentation before an application will be accepted by the RSR.

The accreditation application is to be prepared in accordance with the guidance provided in the *National Rail Safety Accreditation Guideline*.

It is not intended that operators should provide lengthy written descriptions or include copies of all relevant **documents**. The RSR will be looking for evidence that each operator has developed and implemented a comprehensive safety management system (SMS).

The application may take the form of an outline of the SMS, supported by copies of key **documents** that make up the SMS, and summaries or listings of documented procedures, processes and sub-systems.

All parts of the SMS must be available for inspection during field audits by the RSR's authorised officers.

A complete coverage of all elements of the SMS should only be provided to the RSR when lodging the initial accreditation application, when the RSR requires the operator to re-submit the SMS or in the event of a major application for variation to accreditation (i.e. major **material change**).

Reporting to the regulator once accreditation is granted is on the basis of changes, exceptions and regular reporting on specific issues, as specified by written notices issued by the RSR.

It should also be noted that supporting documentation must be supplied in a format that is mutually agreeable to the applicant and the RSR. For example, the RSR may accept **documents** presented in electronic form via email or on CD where appropriate. This may be particularly appropriate where

a document loses meaning or value when transferred to hard copy. Applicants should discuss options with the RSR.

3.3.2. Access to applicant records and procedures

The applicant shall, where complete documentation supporting an application for accreditation is not provided with the application, provide details of where **documents** may be inspected by the RSR.

3.3.3 Application fee

Applicants must pay the application fee notified by the RSR by the due date.

3.4 Assess Application

3.4.1 Preliminary desktop audit

A preliminary desktop audit of applications for accreditation, against an audit checklist, may be conducted by the RSR to determine if all relevant elements of the planned activities have been provided in the SMS.

3.4.2 Preliminary audit findings

RSR shall give written notification to the applicant on the findings of the preliminary desktop audit and establish liaison procedures to progress the application to an acceptable standard for final assessment.

3.5 Carry Out Audit(s) of Applicant's Organisation

3.5.1 Detailed assessment of application

The RSR will, when satisfied that an application is complete, conduct a detailed assessment to determine if the **documents** adequately provide for all relevant elements of the planned activity in accordance with the Australian Rail Safety Management Standard AS4292.1 and the *National Rail Safety Accreditation Guideline*.

Where the RSR requires further information, it may obtain it by written request or by direct liaison with the applicant. Further

information from applicants shall be provided in the form of a **document** and will be part of the application documentation.

3.5.2 *Identification of conditions of accreditation*

During the course of assessing the application, the RSR will identify the conditions that are to apply to the proposed accreditation.

Such conditions may, for example, require the applicant to:

- a) complete work on a non-compliance before commencing operation;
- b) complete work on a non-compliance in accordance with an agreed timetable;
- c) provide the RSR with a signed rail access agreement for review before commencing operation;
- d) make payment of annual fees within a prescribed time; or
- e) limit accreditation to an area or activity (may be partial approval of an application for accreditation).

Conditions may also invoke provisions of the relevant rail safety legislation.

Where it is proposed to apply conditions to an accreditation approval, they shall be clearly documented in the notification provided to the applicant.

3.5.3 *Calculate initial and annual accreditation fees*

The RSR shall assess the planned activities and data provided by applicants to calculate the annual accreditation fees.

3.6 **Advise Applicant of Audit Outcome and Annual Fee Amount(s)**

3.6.1 *Preparation of the accreditation application assessment advice*

Formal advice will be prepared and provided to the applicant regarding the following:

- Time, date and location for the audit outcome meeting.
- Status of their application.
- Audit outcomes (i.e. recommended corrective actions or non-compliances).
- Action required by both parties in order to finalise the application.
- The type of accreditation recommended (i.e. provisional or full. Where provisional accreditation is recommended, the reasons for the recommendation are to be given).
- Any additional information the RSR requires from the applicant.
- Any additional information the RSR needs to impart to the applicant.
- Proposed conditions of the accreditation.
- Initial and annual accreditation fees that will apply.

When discussing actions required of the applicant, the advice will specify what actions must be completed before operations commence (pre-conditions) and what actions may be completed over an agreed timeframe after operations commence.

3.6.2 *Audit outcome meeting*

The RSR will meet with the applicant to discuss the above advice. This discussion will elaborate on and clarify the information provided in the assessment advice, and ensure that both parties understand the intention of the recommended corrective actions and conditions proposed.

The applicant will be given the opportunity to provide a response to the assessment advice, including making submissions in relation to the conditions proposed. This response is to be made in writing and include information related to the planned timetable for completion of work required by the corrective actions. This timetable must be accompanied by sufficient supporting information detailing the assignment of responsibilities for the work, resources to be applied and risk management to give credibility to the plan.

3.6.3 *The RSR considers the response from the applicant*

The RSR will consider the feedback from the applicant in relation to the assessment advice and, where appropriate, may agree to changes. The nature of the response and extent of any necessary changes to the proposed accreditation or corrective actions may require one or more additional meetings between the RSR and the applicant.

3.7 **Address Issues Arising From Audits**

Following the outcome of the initial audits, any non-compliance highlighted by the RSR for completion prior to operation must be addressed and resolved to the satisfaction of the RSR before the application process can continue.

3.8 **Approve Accreditation**

3.8.1 *Approval of accreditation*

The RSR shall approve accreditation where the applicant has demonstrated, to the RSR's satisfaction, that:

- they are of good repute and in all other respects fit and proper to be responsible for the safe carrying out of the **railway operations** in question;
- the systems submitted by the applicant are of the necessary standard to ensure that with effective implementation and

maintenance, they will result in the identification, management and control of risks for the scope of operations advised; and

- they have the competency and capacity to implement the systems submitted.

3.8.2 *Pay annual fee(s)*

Applicants for accreditation must pay the annual accreditation fee on or before the issue of accreditation by the RSR.

3.8.3 *Issue formal notification of accreditation*

The formal notification will contain the following information:

- RSR identification;
- name of accredited **person**/organisation;
- type of accreditation;
- date of accreditation;
- signature of the **person** authorised to approve accreditation; and
- details of any conditions or special conditions of accreditation that apply.

3.8.4 *Certificate of accreditation*

The RSR may issue a Certificate of Accreditation to an accredited **person**.

3.9 **Final Audit**

Following accreditation, the RSR may complete a further audit on the **railway operator's** safety systems. This could be for one or more of the following purposes:

- To assess how effective the applicant has been in implementing their documented systems during operation.
- To check compliance with a condition or pre-condition of the accreditation.
- To confirm the scope of the **railway operations**.

- To confirm the accuracy of information provided to the RSR in the accreditation application.

3.10 Commence Operations

3.10.1 Accreditation

A **railway organisation** may not commence **railway operations** that are the subject of an application until accreditation is granted by the RSR for the jurisdiction in which the planned activities are to take place, or an exemption has been granted under provisions within relevant legislation.

3.10.2 Compliance with pre-conditions of accreditation

Accreditation may be approved subject to an owner or operator meeting preconditions. Where preconditions apply to an accreditation, the owner/operator must carry out such conditions to the satisfaction of the RSR prior to commencing operations.

3.11 Maintenance of Accreditation

3.11.1 Accredited person's responsibilities

The overarching obligation of the accredited railway organisation (ARO) is to abide by the terms and conditions of their accreditation and effectively implement the SMS that has been the basis of the granting of accreditation. This will encompass but is not limited to the following:

- Compliance with rail safety legislation, supporting rail safety regulations, mandatory guidelines and other applicable legislation.
- Compliance with network rules and terms of access agreements.
- Identification, assessment and elimination or control of safety risks.
- Review of risk assessments at defined intervals or in response to defined events.
- Compliance with the requirements of internal systems implemented to control

risks, through training, supervision and audits.

- Reporting of notifiable occurrences to the RSR.
- Emergency management.
- Ensuring the security of passengers.
- Internal reporting and investigation of occurrences.
- Application of learning from occurrences through the adoption of recommendations arising from investigation reports and safety actions in response to occurrences (including review of relevant occurrences involving other **railway organisations** in Australia or elsewhere).
- Annual review of the organisation's SMS.
- Annual reporting to the RSR.
- Applying principles of continuous improvement in SMSs, safety culture and outcomes.
- Implementing appropriate **occurrence** notification, investigation, analysis, development of safety actions, and reporting in a **just culture** environment.
- Effective management of change including application for variation to the accreditation, or notification to the regulator where necessary.
- Consulting with and ensuring the involvement of rail safety workers, their representatives and other stakeholders in respect to decisions that affect the safety of the **railway organisation's** operations, within the risk management process and during system review and improvement.
- Payment of annual accreditation fees.

3.11.2 Variations to accreditation

The holder of the accreditation must obtain a variation to its accreditation for any **material changes** to the scope or nature of its operations or SMS. This may involve

recognition of an existing accreditation by another state or territory (see section 3.0). The RSR provides additional guidance to operators assessing the timing of notifications and identifying where prior approval is required (see *National Rail Safety Accreditation Guideline*).

3.11.3 *Non-payment of annual accreditation fees*

The RSR will require payment of annual fees not later than the due date.

In the absence of an alternative agreement in respect to payment, non-payment of annual fees may lead to the imposition of penalties. Penalties may vary between jurisdictions and may include additional monetary penalties or lapse of accreditation.

Accredited **persons** who are unable to pay their annual accreditation fees by their due date should contact the RSR as soon as possible to discuss the options available.

4.0 Extending Railway Operations into Another State or Territory

This process is for operators who are already accredited in one or more states or territories and who seek to have their existing accreditation recognised so they can operate in another state or territory. This involves demonstrating that their existing safety management system (SMS) identifies and manages any additional risk that the proposed expansion of operation introduces, and complies with any additional requirements that apply in the new state or territory.

accreditation directly with the RSR in the state of the 'new' operations.

4.1 *Assessing The Risks of the New or Extended Operations*

The first requirement for determining the process required for recognition of an existing accreditation held in another jurisdiction is to conduct comprehensive hazard identification and risk assessment processes in relation to the planned operations.

The risk management process must include an assessment of whether the expansion of operations will involve **material changes** to the SMS on which the existing accreditation is based (henceforth referred to as the "core SMS"). This is likely where the new operations are not entirely separate.

Where the planned expansion of operations impacts substantially⁷ on the **core SMS**, the expansion constitutes a **material change** to the existing accreditation and the operator must make an application for variation of their accreditation to the RSR in the state of their principal operations.

Where the planned expansion of operations does not impact substantially on the **core SMS**, the operator should make an application for recognition of an existing

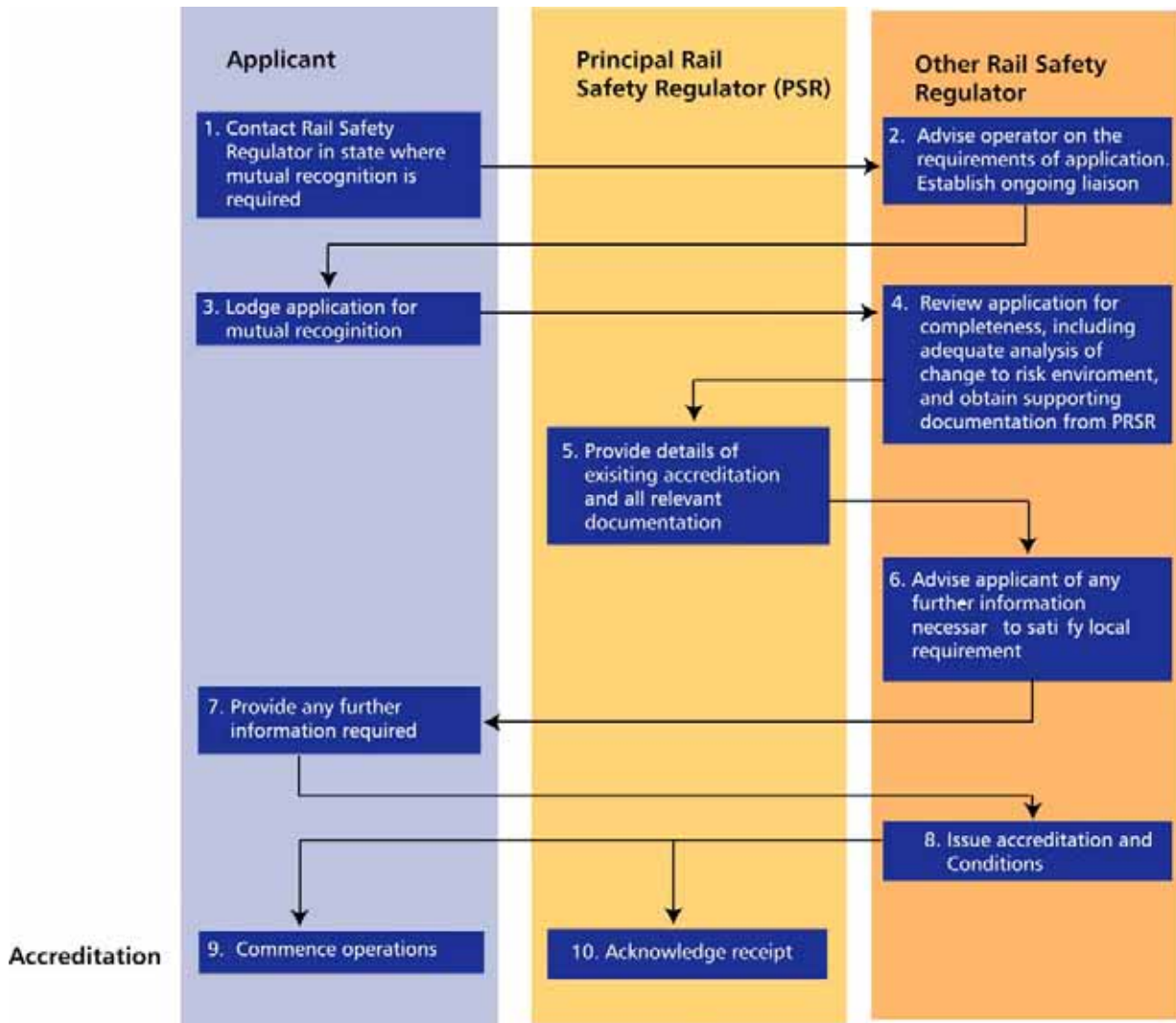
⁷ See also *National Safety Accreditation Guideline*, section 4.21 Management of Change.

5.0 Recognition of Accreditation Held in Another Jurisdiction

5.1 Recognition of Existing Accreditation (no change to core SMS)

which *principal accreditation* is held, when the extended operations do NOT require changes to the *core safety management system* (SMS), is as follows:

The procedure for extending an accredited operation beyond the state or territory in



5.2 Contact the Other Rail Safety Regulator (ORSR)

The **accredited railway organisation** (ARO) should make the initial contact directly with the rail safety regulator (RSR) in the state or territory where the additional accreditation is required (the ORSR). The contact details for each of the RSRs can be found at the end of this document.

The applicant must supply the following minimum information to the RSR when making the initial contact:

- applicant details;
- contact numbers;
- type of accreditation being applied for;
- jurisdiction in which their **principal** accreditation is held;
- jurisdiction(s) in which activities are planned;
- scope of activities planned for each jurisdiction; and
- indicative timeframe for commencement of planned activities.

5.3 Advise Operator on the Requirements of the Application

5.3.1 ORSR provides application forms and establishes ongoing liaison

The Other Rail Safety Regulator (ORSR) shall undertake the initial contact with the applicant to discuss issues relevant to achieving recognition of the existing accreditation held in another jurisdiction and accreditation to operate within the new state or territory. These may include but are not limited to:

- legislative requirements of the relevant Government Act(s);
- standard conditions of accreditation;
- the application process;
- Australian Standard Railway Safety Management AS4292.1;

- procedures for obtaining recognition of an existing accreditation for activities in other jurisdictions, if applicable;
- scope of applicant's proposed activities;
- risk management standard AS4360;
- applicant's timeframe for commencement of planned activities;
- costs associated with applying for accreditation;
- Occupational Health and Safety Management Standard AS4801;
- initial and annual accreditation fees;
- establishing steps for ongoing liaison with the ORSR to progress the application; and
- required content of the application.

5.3.2 The application

As the content of the application will depend on the type of operation and the jurisdictions involved, it must be completed with the advice of the ORSR. The following list describes the minimum information that would generally be required.

1. A completed application form with relevant supporting documentation attached.
2. The risk assessment undertaken on the proposed operation.
3. A railway SMS which identifies the additional significant risks likely to be encountered in the proposed activities in the other jurisdiction and the controls proposed to manage those risks.
4. Risk assessment which determines the **core SMS** will not require **material change**.
5. The applicant's organisational responsibility structure in the new jurisdiction.

5.3.3 Documentation supplied by ORSR

The ORSR shall provide the applicant with:

- accreditation application forms; and
- copies of relevant rail safety legislation.

The ORSR and applicant shall establish liaison requirements and a communication schedule to facilitate the ongoing exchange of information (including draft plans and advice) to satisfactorily develop the accreditation application.

5.4 Lodge Application with Supporting Documentation

Applications for accreditation should be lodged with the ORSR.

5.4.1 Accreditation application form (AA – F1) and supporting documentation

The accreditation application form is to be correctly completed by the applicant, signed by the relevant responsible **person(s)** and be supported by appropriate documentation before an application will be accepted by the ORSR.

The accreditation application is to be prepared in accordance with the guidance provided by the ORSR at the initial meeting.

5.4.2 Access to applicant records and procedures

The applicant shall, where complete documentation supporting an application for accreditation is not provided with the application, provide details of where **documents** may be inspected by the ORSR.

5.5 ORSR Reviews the Application and Obtains Supporting Information from PRSR

The ORSR will review the application and obtain any other required information from the Principal Rail Safety Regulator (PRSR). The ORSR will be the sole point of contact for this process. After review of material supplied by the PRSR, the ORSR may request further information from the applicant. This may be an iterative process until the ORSR is satisfied that the criteria described in 2.8.1 have been met.

5.6 Issue Accreditation

Once the ORSR is satisfied that all of the criteria listed in 2.8.1 have been met, accreditation will be issued. The applicant will receive a signed notification of accreditation with the name of their organisation, commencement date and any limitations or conditions to the accreditation.

5.7 Commence Operations

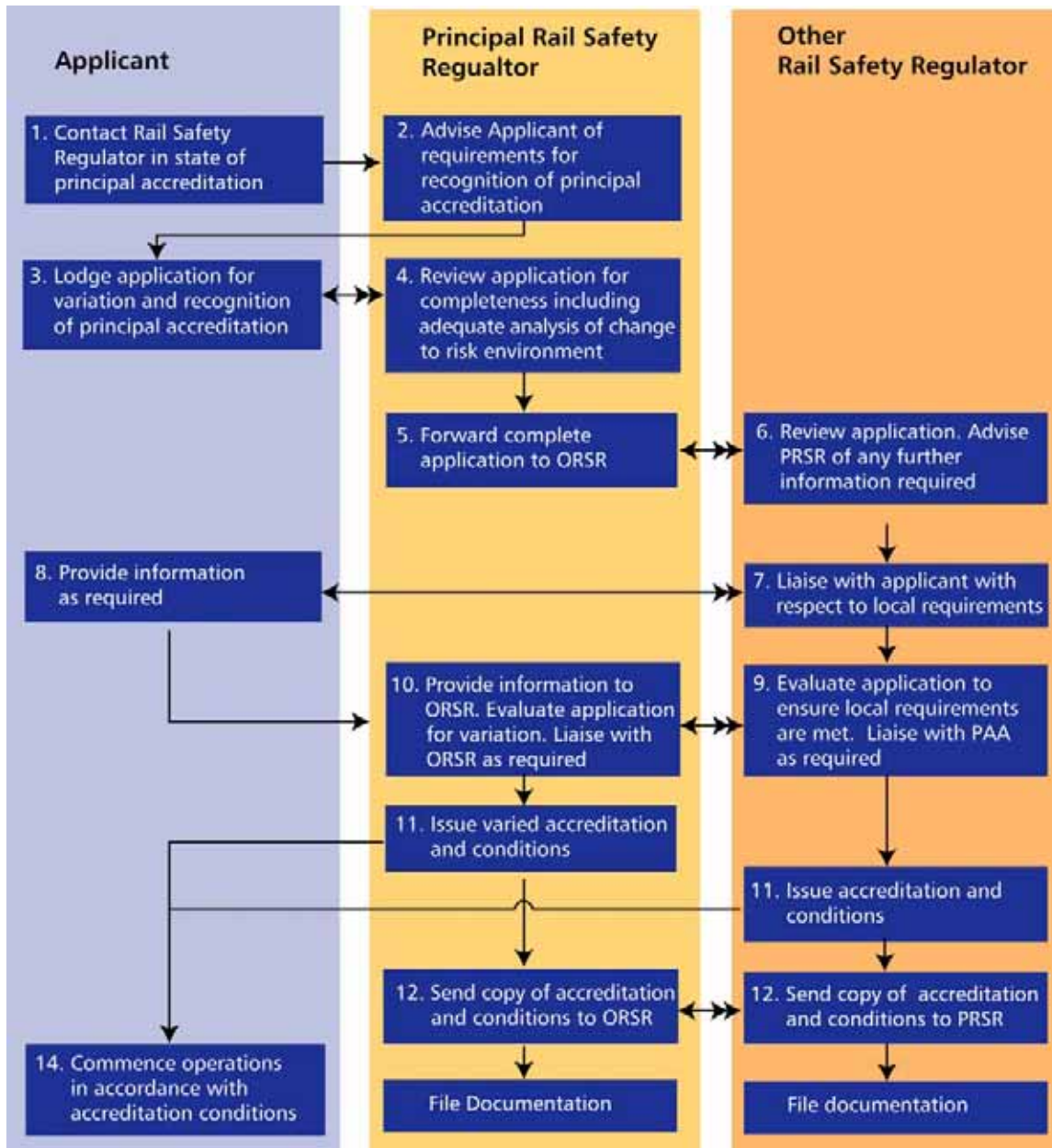
The applicant can commence operations as soon as the notification of accreditation is received. The ORSR will inform the PRSR of the new accreditation. The PRSR will provide written acknowledgment of the advice.

6.0 Recognition of Accreditation Held in Another Jurisdiction

6.1 Recognition of Existing Accreditation (involving material change to core SMS)

territory, when the extension of operations involves **material changes** to the **core safety management system (SMS)**, is as follows:

The procedure for extending an accredited operation beyond the original state or



6.2 **Contact the Principal Rail Safety Regulator (PRSR)**

The accredited railway organisation (ARO) should make the initial contact with the rail safety regulator (RSR) in the state or territory where their **principal accreditation** is held (i.e. the Principal Rail Safety Regulator (PRSR)).

The applicant must supply the following minimum information to the RSR when making the initial contact:

- applicant details;
- contact numbers;
- type of accreditation being applied for;
- jurisdiction(s) in which activities are planned;
- scope of activities planned for each jurisdiction; and
- indicative timeframe for commencement of planned activities.

6.3 **Advise Operator on the Requirements of the Application**

6.3.1 *Initial meeting*

The PRSR shall hold an initial meeting with the applicant to discuss issues relevant to achieving variation and recognition of the **principal accreditation** by the Other Rail Safety Regulator (ORSR). These may include but are not limited to:

- the application process;
- procedures for obtaining recognition of an existing accreditation for activities in other jurisdictions, if applicable;
- scope of applicant's proposed activities;
- applicant's timeframe for commencement of planned activities;
- the impact (if any) on the annual fee;

- establishing steps for ongoing liaison with the ORSR to progress the application through to approval; and
- required content of the application.

6.3.2 *The application*

As the content of the application will depend on the type of operation, the extent of the change to the **principal accreditation** and the jurisdictions involved, it must be completed with the advice of the PRSR. The following list describes the minimum information that would generally be required.

1. A completed application form with relevant supporting documentation attached.
2. A railway SMS which identifies the additional significant risks arising from the proposed activities in the other jurisdiction, or the process of change, and the controls proposed to manage those risks.
3. The applicant's organisational responsibility structure in the new jurisdiction.

6.3.3 *Documentation supplied by PRSR*

The PRSR shall provide the applicant with:

- accreditation application forms;
- copies of applicable rail safety legislation; and
- guidelines for changing an accredited safety management system.

The ORSR and applicant shall establish liaison requirements and a communication schedule to facilitate the ongoing exchange of information (including draft plans and advice) to satisfactorily develop the accreditation application.

6.4 Lodge Application with Supporting Documentation and Application

Applications for accreditation should be lodged with the PRSR.

6.4.1 Accreditation application form and supporting documentation

The accreditation application form is to be correctly completed by the applicant, signed by the relevant responsible **person(s)** and be supported by appropriate documentation before an application will be accepted by the PRSR.

The accreditation application is to be prepared in accordance with the guidance provided by the PRSR at the initial meeting.

6.4.2 Access to applicant records and procedures

The applicant shall, where complete documentation supporting an application for accreditation is not provided with the application, provide details of where **documents** may be inspected by the PRSR.

6.5 PRSR to Review Application and Forward to ORSR

The PRSR will review the application for completeness and adequacy of the analysis of change to the risk environment, forward the application to the ORSR and establish ongoing liaison with the ORSR.

6.6 Accrediting Authorities Review Application

The ORSR and the PRSR will exchange information as necessary to progress the application. The ORSR may liaise with the applicant and make direct requests for further information from the applicant as necessary. The assessment processes will be largely consistent with those described from sections 2.5 to 2.11 of this document.

6.7 Issue Variation (PRSR) and Accreditation (ORSR)

When the necessary requirements have been met, the PRSR will issue a variation to the **principal accreditation**.

Once the ORSR is satisfied that all of the criteria listed in 2.8.1 and 2.8.2 have been met, accreditation will be issued. The applicant will receive a signed notification of accreditation with the name of their organisation, commencement date and any limitations or conditions to the accreditation.

6.8 Commence Operations

The applicant can commence operations as soon as the notification of accreditation is received from the ORSR and the variation of accreditation is received from the PRSR. The ORSR will inform the PRSR of the new accreditation. The PRSR will provide written acknowledgment of the advice.

NATIONAL REQUIREMENTS FOR ANNUAL RAIL SAFETY REPORTS

A Guideline to Assist Accredited Railway Organisations

THE RAIL SAFETY REGULATORS PANEL
AUSTRALIA

Version 2.0

December 2005

1.0 Statutory Requirements

Rail safety legislation requires an accredited **person** to review and revise the safety management plan and, in most jurisdictions, submit an annual safety report to the regulator. These reports are generally due at least 28 days before each anniversary of the accreditation.

Not all jurisdictions require accredited persons to provide an annual safety report. This guideline applies only in those jurisdictions where annual reporting to the regulator is required.

Annual review and reporting requirements aim to ensure implementation of a sound management process where safety systems and safety performance are reviewed and improved by the accredited person.

The Acts generally require the annual safety report to review:

- the general conduct of the accredited person's operation; and
- any significant developments relating to the accredited operations.

The aim of the annual safety review and subsequent report is to provide the rail safety regulator (RSR) with enough information to:

- see that an adequate annual safety review has been undertaken;

- assess the safety performance of the organisation/operation and specific activities of the past year (ideally against specified targets);
- identify any variations to risk profiles of the organisation/operation;
- identify specific problems or shortcomings;
- establish outcomes/targets for addressing identified risks over the next 12 months; and
- identify resource allocations, responsibilities and timeframes necessary to achieve the target/outcomes.

The report should contain sufficient evidence to support any statements, claims or conclusions made. This would ideally be independently verified. The report will be used as a component in determining areas and activities of the railway that will be audited.

The regulator will ask for corrections, improvement or further work if it judges the report to be inadequate.

The following categories are offered as a guide to help develop material for the annual safety report.

2.0 General Conduct of Accredited Person

The general conduct of an accredited person can be addressed by:

- Detailing the railway business activities in terms of the geographical location, products transported, financial performance, infrastructure and rolling stock capacity, organisational structure and responsibilities, showing lines of accountability.
- Outlining outcomes of the Safety Management System review and Safety Improvement Plans to be implemented over the next 12 months (this should be a key component of the report). It should include any changes to the accredited safety system and risk profile of the organisation and specific steps taken to overcome or control altered risks.
- Identifying how the estimated risk profile has been affected by measured activities, that is, how experience has confirmed or changed probabilities.
- Providing data records and time series analyses of rail safety performance, summarising activities by time series and cross-section, and separately adjusting for known seasonal factors.
- Providing data records of occurrences. Trending against benchmarks or previous periods of time would be useful.
- Summarising outcomes of investigations into major occurrences, including provision of analysis of contributing factors.
- Describing actions taken to address contributing factors to prevent the recurrence of any occurrences and to mitigate consequences should one occur.
- Providing results of inspections and audits carried out on functional groups or activities within the organisation and on external service providers/contractors. Indicate what inspections and audit programs have not been completed.
- Evidence of conformance to regulatory requirements in occupational health and safety, environment, licensing, etc, including disclosure of any convictions or legal action pending for breaches of law.
- Reporting any emergency response activities and exercises in which the organisation participated and identifying those programmed but not conducted.
- Evidence of continued insurance cover if required by the regulator.

3.0 Significant Developments Implemented by Accredited Person

Significant developments relating to the accredited operations refer to such matters as:

- any actual or proposed capital investment (e.g. in major plant or higher specification assets and technology), identification of associated changes to the risk profile and how this will be managed to ensure safety;
- any change from the forecast profile of workforce, skills, asset conditions, inventory, measurement activity, plant and equipment;
- investment in major plant to enhance maintenance functions and safety risk implications;
- investment in new, higher specification assets and technology and any safety risk implications;
- replacement of any components, other than on a like-for-like basis;
- review of organisational structure and responsibilities;
- changes in ownership or control of the organisation;
- changes in the type or level of services the organisation obtains from external sources or identities of suppliers;
- acquisition of new types of business which exposes the organisation to new risks;
- any change in safety initiatives for staff training;
- any new management tools to improve safety management (e.g. tools which provide better control of activities, more comprehensive statistics of performance or better records of events);
- new interfaces for infrastructure and rolling stock;
- new forms of traction power such as overhead electric;
- introduction of any new train control and safe working systems and procedures; and
- Changes in access rights to a railway.

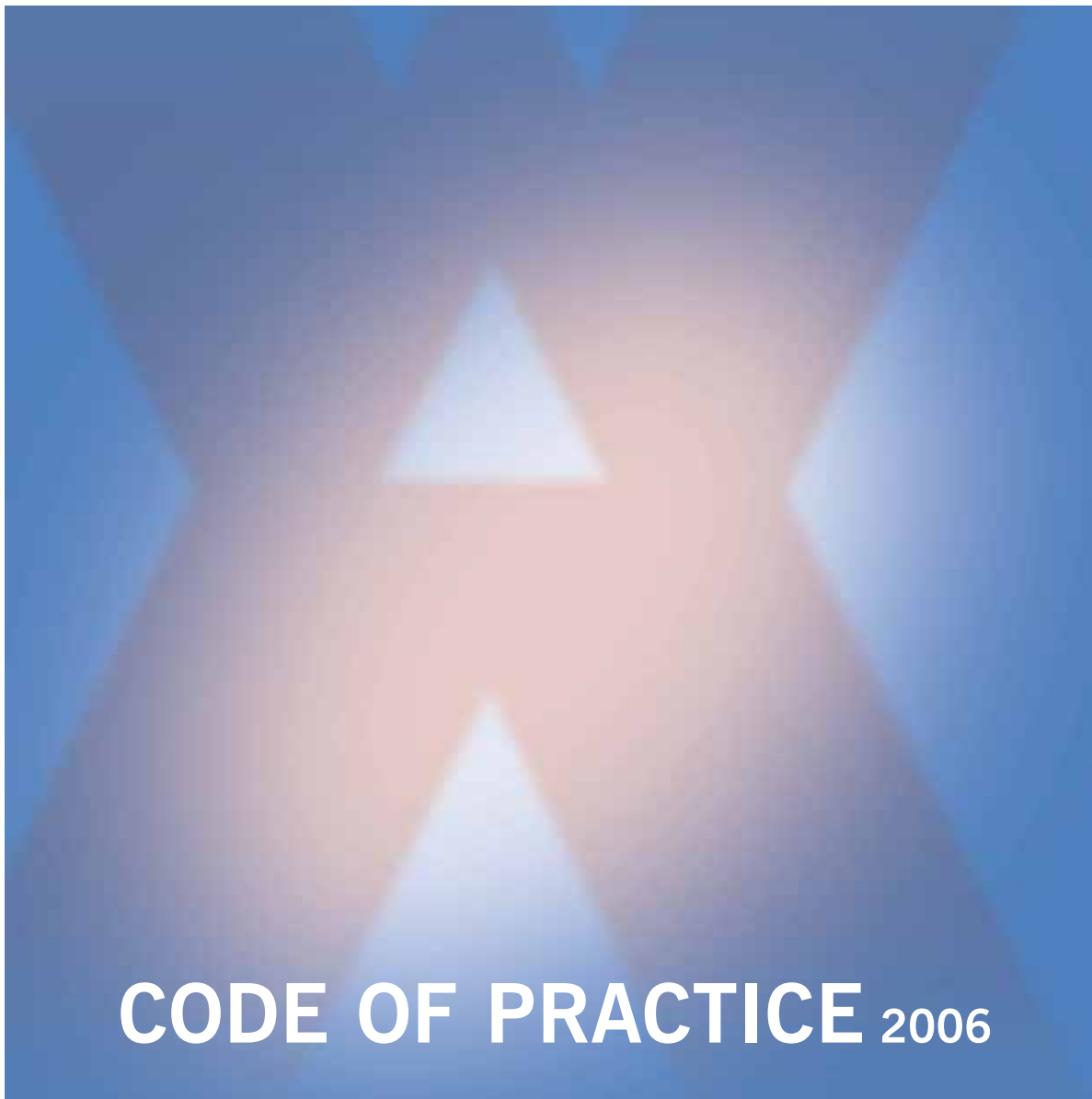
4.0 Significant Safety Issues

Significant safety issues are those that have the potential to adversely affect the risk profile of an operation or activity within an operation. These issues may be identified through audit or investigation. They may also be identified through reports from contractors, consultants or other experts, other external sources or operator employees. Significant issues may include:

- weaknesses (either alleged or proven) that are identified in systemic defences for safety critical activities. Any significant issues that, following a risk assessment, do not require new or revised control measures must nonetheless be documented, and the reasons supporting the assessment included in the annual report.



ACCOMMODATION FOR RURAL AGRICULTURAL WORK



WorkCover. **Watching out for you.**

Disclaimer

This publication contains information regarding occupational health, safety, injury management or workers compensation. It includes some of your obligations under the various workers compensation and occupational health and safety legislation that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate Acts.

This publication may refer to WorkCover NSW administered legislation that has been amended or repealed. When reading this publication you should always refer to the latest laws. Information on the latest laws can be checked at www.legislation.nsw.gov.au or contact 1300 656 986.

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What is a code of practice under the *Rural Workers Accommodation Act 1969*?

A code of practice is a practical guide to persons who have duties under the rural workers accommodation legislation.

An industry code of practice is approved by the Minister administering the *Rural Workers Accommodation Act 1969* (RWA Act). It comes into force on the day specified in the code or, if no day is specified, on the day it is published in the NSW Government Gazette. An approved industry code of practice may be amended from time to time (or it may be revoked) by publication in the Gazette.

A code of practice should be observed unless an alternative course of action that achieves the same or a better level of health, safety and welfare is being followed.

A code of practice is intended to be used in conjunction with the requirements of the RWA Act but does not have the same legal force. A code of practice is advisory rather than mandatory. However, in proceedings for an offence under the RWA Act, failure to observe a relevant provision of a code of practice is admissible in evidence.

A WorkCover Authority inspector can draw attention to an approved industry code of practice in an improvement or prohibition notice as a way of indicating the measures that could be taken to remedy an apparent contravention of, or non-compliance with, the RWA Act. Failure to comply with an improvement or prohibition notice without reasonable excuse is an offence.

In summary, a **CODE OF PRACTICE**:

- gives practical guidance on how health, safety and welfare at work can be achieved
- should be observed unless an alternative course of action that achieves the same or a better level of health, safety and welfare is being followed
- can be referred to in support of the preventive enforcement provisions of the legislation
- can be used as evidence to support a prosecution for failing to comply with or contravening the legislation.

Foreword

This code of practice has been produced by the WorkCover Authority of NSW to provide practical advice on the type and nature of accommodation that is suitable to be provided pursuant to the *Rural Workers Accommodation Act 1969*. This will be particularly useful for controllers of rural premises (who may include landholders, contractors and employers) who have the legal obligation to provide accommodation for workers in certain circumstances. It will also be useful for employees and their representatives.

The *Rural Workers Accommodation Act 1969* contains the obligation to provide accommodation where a worker is required to work at a rural premises in an agricultural or pastoral occupation for 24 hours or more. This code of practice outlines these requirements and provides guidance on relevant factors that should be considered. While it recommends courses of action it should not be regarded as prescriptive.

This code of practice will assist controllers of rural premises by providing guidance on sleeping accommodation and related facilities for those employees or workers who are resident. It provides detailed guidelines on accommodation, including general building requirements and facilities for storage of personal belongings, changing clothes, washing/showering, drinking water, toilets, shelter, sleeping, cooking, food storage, and dining. This will help to promote a healthy and safe work environment that protects all workers from injury and illness and that is adapted to their physiological and psychological needs.

This code of practice does not include information relating to the provision of amenities to rural workers. Obligations and guidance regarding amenities are contained in the *Occupational Health and Safety Regulation* and the *Code of practice: workplace amenities*.

CONTENTS	PAGE
Chapter 1 – Establishment	4
1.1 Title	4
1.3 Scope	4
1.4 Application of code of practice for workplace amenities	4
1.5 Commencement	4
1.6 Authority	4
1.7 Definitions	4
1.8 Interpretation of this code of practice	5
Chapter 2 – Application of this code of practice	6
2.1 Provision and maintenance of residential accommodation	6
2.2 Allocating the costs of providing amenities and accommodation	6
2.3 Workers' obligations	6
2.4 Other legal requirements relating to altering, renovating or constructing accommodation buildings	7
2.5 Construction work at a rural premises	7
Chapter 3 – Guidance on specific aspects of accommodation	8
3.1 General provisions for permanent facilities	8
3.2 Sleeping accommodation	12
3.3 Storage facilities for personal belongings	13
3.4 Facilities for changing clothes	14
3.5 Shower facilities	14
3.6 Hand washing facilities	15
3.7 Toilet facilities	16
3.8 Laundry facilities	17
3.9 Dining facilities	18
3.10 Cooking and food storage facilities	19
Chapter 4 – Obtaining more information	20
4.1 WorkCover documents	20
4.2 Other sources of OHS and workers compensation information	20
Appendix 1 – Accommodation checklist	21

Chapter 1 – Establishment

1.1 Title

This is the *Code of practice: accommodation for rural agricultural work*.

1.2 Purpose

This code of practice provides practical guidance to persons who have control of premises with respect to the type and nature of accommodation that is suitable to be provided to rural workers pursuant to an obligation under the *Rural Workers Accommodation Act 1969* (RWA Act).

1.3 Scope

This code of practice applies to the provision of accommodation for persons engaged in agricultural or pastoral work at a rural premises in New South Wales, where required by the RWA Act.

This code of practice covers employees and contractors engaged in an agricultural or pastoral occupation. It applies irrespective of whether these workers are engaged on a permanent or temporary basis.

This code of practice does not apply to construction work when building rural workers' accommodation, apart from minor construction or maintenance when carried out as part of normal agricultural work. The *Code of practice: amenities for construction work* applies to construction projects.

1.4 Application of code of practice for workplace amenities

Amenities for rural workers are covered by the *Code of practice: workplace amenities*, regardless of whether accommodation is provided, and that accommodation is covered by this code. In some situations, both codes of practice will need to be consulted to ensure adequate amenities are provided to workers when not using the amenities provided with the accommodation.

1.5 Commencement

This code commences on the date of commencement of the *Rural Workers Accommodation Amendment Act 2005*, 1 July 2006.

1.6 Authority

This an industry code of practice, approved by the Minister under section 12 of the RWA Act, by virtue of section 26 of the *Interpretation Act 1987*.

1.7 Definitions

Definitions used in this code have the same meaning as in the *Occupational Health and Safety Act 2000* (OHS Act), the *Occupational Health and Safety Regulation 2001* (OHS Regulation), or the RWA Act.

The following terms are used in this code of practice with these meanings:

accommodation	means residential accommodation.
agricultural or pastoral occupation	means work in or in connection with: <ul style="list-style-type: none"> (a) the sowing, raising, or harvesting of crops of grain, fodder, sugar cane, fruit, or any other crop or farm produce whether grown for food or not, or (b) the management, rearing, grazing or feeding of animals that are being kept or raised for a commercial purpose, or (c) shearing or crutching of animals, or (d) scouring, sorting or pressing of wool, or (e) dairying, or (f) any other occupation carried on in connection with, or as ancillary to, an occupation mentioned in paragraph (a), (b), (c), (d) or (e) of this definition.
controller of rural premises	means the landholder of the rural premises where the work is being carried out for which accommodation is required under section 5 of the <i>Rural Workers Accommodation Act 1969</i> .
employer	means a person who employs persons under contracts of employment or apprenticeship.
employee	means an individual who works under a contract of employment or apprenticeship.
rural premises	means farm, orchard, pastoral holding or other agricultural or rural holding.
rural worker	means a person who works at rural premises in an agricultural or pastoral occupation.

1.8 Interpretation of this code of practice

Legal requirements

In this code, words such as 'must' or 'requires' indicates a legal requirement of an Act or Regulation. It is essential that controllers of rural premises or other persons responsible comply with these requirements.

Recommended practices

In this code, the word 'should' indicates a recommended course of action. This indicates a minimum course of action in order to observe this code.

Words such as 'consider' or 'may' indicate matters which may be determined between alternative options.

While this code provides minimum recommendations, controllers of rural premises or other responsible persons can choose an alternative method of achieving the same or a higher standard of health, safety and welfare.

Chapter 2 – Application of this code of practice

2.1 Provision and maintenance of residential accommodation

The *Rural Workers Accommodation Act 1969* (Section 5) requires that a person who has control of rural premises must provide suitable accommodation to a rural worker who works at the rural premises if due to the nature of the work, the rural worker must live for a period exceeding 24 hours at or near the rural premises.

The person in control of the rural premises is usually the landholder. In some cases the landholder may also be the employer.

Accommodation may also be expressly or implicitly required to be provided by the industrial awards, agreements or contracts that apply in a given situation (see also section 2.2 below).

Employers, controllers of rural premises and others also have related responsibilities under the occupational health and safety legislation. In particular, employers are required to ensure the health, safety and welfare at work of their employees. Where these duties overlap with the duty to provide accommodation, then these obligations should be discharged in a coordinated manner. For example, an employer who is a labour hire firm providing fruit pickers should make suitable arrangements with the landholder responsible for the premises where the work is carried out.

Employers, contractors, self-employed persons, owners, and controllers or occupiers of workplaces should consult with each other about observing the recommendations of this code and the provision of amenities and accommodation at each particular site.

Ways of meeting the obligation to provide accommodation are described in chapter 3 of this code of practice.

2.2 Allocating the costs of providing amenities and accommodation

Section 6 of the RWA Act requires accommodation is to be provided free to the worker, subject to any provisions for costs in applicable Commonwealth or State industrial instruments. This section applies despite anything to the contrary in the OHS Act. Some awards provide for variation of wages or deductions if accommodation is provided, or allowances for off-site accommodation.

2.3 Workers' obligations

Upkeep and housekeeping of accommodation during occupancy or tenancy is the responsibility of the workers concerned. Workers should ensure that the standard of facilities is maintained by keeping the premises clean and tidy, disposing of refuse properly, and only using the facilities for their intended purposes.

When finishing the period of work, the facilities should be left clean by the workers in a condition similar to that in which the workers found them.

2.4 Other legal requirements relating to altering, renovating or constructing accommodation buildings

Persons responsible for carrying out major alterations, renovations or construction of buildings for use as accommodation should ensure that the alterations, renovations or construction of those buildings meet the requirements for design, siting, construction and fit-out specified in the *Building Code of Australia* (BCA).

New buildings or extensions will ordinarily require local government planning and development consent under the *Environmental Planning and Assessment Act 1979* and must comply with the BCA. Where there is no consent authority, such as in the Western Lands District, or where the BCA does not apply, the principles of the BCA should still be applied.

2.5 Construction work at a rural premises

Where the provision of accommodation requires the construction of new buildings or the structural alteration of existing buildings, amenities should be provided for construction workers by their employer or the principal contractor during the construction phase. Refer to the *Code of practice: amenities for construction work*, available from WorkCover NSW.

If new buildings or amenities are being constructed, the *Code of practice: electrical practices for construction work*, available from WorkCover NSW, should be observed for temporary construction work and amenities.

Chapter 3 – Guidance on specific aspects of accommodation

This guidance on suitable numbers of facilities and dimensions should be followed where reasonably practicable and relevant. In some cases, a solution to one requirement may also satisfy another requirement. For instance, a fully lockable room may satisfy the requirement for lockable storage to be provided.

3.1 General provisions for permanent facilities

3.1.1 Location of buildings, facilities or structures

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
Accommodation and associated amenities should be located in a safe and convenient location.	<p>(a) Facilities should be sited so as to:</p> <ul style="list-style-type: none"> (i) prevent any flooding or dampness caused by rising or running water, (ii) avoid exposure to overflow, run-off or escaping material of any kind, (ii) be an appropriate distance from any source of noise, odour, sources of infection or other work processes (unless other measures provide protection) and (iv) be away from hazards that may attract flies, snakes or other vermin (unless screening or proofing provides adequate protection). <p>(b) Areas directly used for amenities or accommodation should not be used for other purposes, including other work tasks, or the storage of materials or products. However, the inclusion of amenities within a multi-purpose facility is acceptable. Livestock should not be kept within a close proximity of amenities or accommodation unless there is an adequate physical separation between the two.</p> <p>(c) Facilities should be located within reasonable walking distance – preferably not more than 200 metres from the actual work site, unless transportation is provided, except if impracticable due to the nature or location of the work. If transport is used, the facilities should be within a reasonable walking distance from the on-site parking area, transport terminus or suitable roads.</p> <p>(d) Facilities should be located near each other. For example, an amenity such as eating accommodation should be convenient to toilet and hand washing facilities.</p>

Existing buildings, such as the homestead, may be used to provide facilities where appropriate and depending on the circumstances.

3.1.2 Design and construction

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
Structures should be solidly constructed, weatherproof and have a solid, level floor. Adequate lighting, heating, cooling, ventilation and vermin proofing are important factors to consider. Waterproofing is essential.	<p>(a) All building structures should comply with the <i>Building Code of Australia</i> and applicable state and local government environmental, planning, construction and operational legislation, codes or other requirements.</p> <p>(b) The design and construction materials of all building structures should be appropriate to the location of the worksite, and ensure protection from the sun, water, and wind. To the extent practicable, structures should provide protection against heat, cold, dust, insects and vermin. Doors, windows, chimneys and other openings should be effectively screened against insects.</p> <p>(c) Surfaces should be finished to allow for regular and easy cleaning and maintenance of cleanliness, where relevant (eg around kitchen and toilet areas).</p>

3.1.3 Access and egress

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
Access to and egress from all buildings, structures and facilities within buildings must be safe and should be suitable for the number of workers using the facilities.	Clear and safe access and egress should be maintained at all times. This includes adequate lighting if the accommodation or amenity is used at night or periods of low-level ambient light such as early morning or evening.

3.1.4 Electrical safety

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
Buildings and facilities must be designed and maintained to comply with electrical safety standards.	<p>(a) Earth leakage devices or RCD units should be used.</p> <p>(b) Particular attention should be paid to electrical hazards where temporary sources of power and heating are used. Some types of portable buildings have concealed internal wiring, and care must be taken if the walls or ceilings are punctured during modifications or while fitting attachments.</p> <p>(c) Extension cords, supply cords and electrical appliances used in facilities such as kitchens should be checked regularly.</p>

3.1.5 Fire safety

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
Buildings and facilities must be designed and maintained to comply with fire safety standards to ensure risks of fires are minimised.	<ul style="list-style-type: none"> (a) This will include attention to fire detection systems (eg smoke detectors), fire extinguishers (or a garden hose where appropriate), and good housekeeping. (b) Particular attention should be paid to fire risks where temporary sources of power and heating are used. (c) Fireplaces and heaters need to be properly constructed and guarded. Fireplaces and heaters with open flames should not be used to dry clothes. (d) Cylinders of gas (eg LPG for cooking) should not be used or kept indoors unless the area is well ventilated. Not more than three large LP Gas cylinders (45 kg) can be kept indoors. Cylinders must be kept upright and restrained from falling over. Gas cylinders should not be used inside areas that may be easily flammable such as shade structures or tents. Gas cylinders must be tested every 10 years (the test date is stamped on the cylinder or collar around the valve) – this is normally checked each time the cylinder is filled. (e) Any heating or other powered equipment should be: <ul style="list-style-type: none"> (i) fixed in position or of a design that prevents it being tipped over or otherwise placed in a dangerous position; and (ii) of a design or fitted with a means that prevents overheating. (f) Kitchens should have a fire blanket in case of fires during cooking.

3.1.6 Environment — protection from the weather, heating, cooling, and ventilation

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
Protection from the weather, particularly from the sun and rain is important for all facilities.	<ul style="list-style-type: none"> (a) All facilities must have adequate lighting and ventilation, and where appropriate and practicable, a means of heating and/or cooling. (b) Where extremes of weather affect the comfort of workers, the employer should also consider ways in which this discomfort can be minimised, for example, by providing additional blankets or quilts unless otherwise agreed to be supplied by the worker. (c) Further health and safety advice, especially in relation to strenuous work, can be found in the <i>Code of practice: work in hot or cold environments</i>.

3.1.7 Clean water

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
Clean water should be supplied for use in all amenities and accommodation.	All water supplied for amenities and accommodation should come from water supplies or tanks that are free from contamination, sediment and rust.

3.1.8 Disposal of waste water and other material

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
Drainage, disposal of waste water and disposal of waste should be appropriate so as to ensure the safety and hygiene of workers.	<p>(a) Adequate drainage is necessary to prevent flooding and contamination of areas and to ensure hygiene.</p> <p>(b) Waste water, sewage, food and other refuse and any other waste material from amenities should be adequately discharged, or stored and disposed of, so as to ensure safety and hygiene for all workers.</p>

3.1.9 Maintenance and cleaning of facilities

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
Clause 19 of the OHS Regulation provides that accommodation provided for the welfare of employees because of the circumstances of their work, must be maintained in a safe and healthy condition. All accommodation facilities should be maintained to a tidy, clean and sanitary standard.	<p>(a) The cost of maintenance and cleaning of facilities should be borne by the employer, person or company responsible for providing the accommodation.</p> <p>(b) An adequate supply of cleaning and personal hygiene equipment and materials such as mops, brooms, cleaning agents, disinfectant, soap, toilet paper and hand towels should be maintained, the cost borne by the person or company responsible for providing the accommodation.</p> <p>(c) Once occupied, upkeep and housekeeping of the accommodation during occupation or tenancy should be the responsibility of the workers concerned. Workers should ensure that the standard of facilities is maintained by keeping the premises clean and tidy, disposing of refuse properly, and only using the facilities for their intended purpose. When finishing the period of work, the facilities should be left clean by the workers in a condition similar to that in which the workers found them.</p>

3.1.10 Lighting

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
Lighting must be adequate to ensure safety of all workers in accommodation and for accessing and exiting accommodation.	Lighting must be adequate to ensure safe movement and operation at the site or premises, including amenities and accommodation (OHS Regulation clause 46). This includes times of low ambient light (eg early morning or evening).

3.1.11 Specific provisions for groups

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
Additional provisions should be applied where the workforce is larger than five workers and a mix of men and women.	<p>Most of the recommendations for accommodation detailed in this chapter apply regardless of the number or composition of workers at the workplace (ie regardless of whether the workforce contains only men, only women, or some men and some women).</p> <p>However, where the workforce is larger than five workers and a mix of men and women, separate facilities for women and men should be provided for certain amenities and accommodation. Details are provided in the relevant sections – changing clothes, washing, showering, and sleeping accommodation and toilets.</p>

3.2 Sleeping accommodation

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
<p>Where practicable, a building used for sleeping accommodation should be located:</p> <ul style="list-style-type: none"> within a reasonable distance from the work task location but sufficiently far away from any work process, livestock, other animal, material or equipment so as to not be exposed to noise, waste products, odours, chemical, electrical or other hazards, and within reasonable distances from associated amenities including toilets, washing facilities, a food storage and preparation area, dining facility, drinking water and laundry facility. <p>Rooms provided for sleeping accommodation should not be used for the storage of food, the cooking of meals or for dining.</p>	<p>(a) Where a building used for sleeping accommodation is divided into compartments or rooms, the partitions should be:</p> <ul style="list-style-type: none"> built from floor to ceiling, and constructed of suitable framing and lining material so as to provide reasonable sound insulation and visual security from adjoining rooms or compartments. <p>(b) The minimum floor area of a sleeping room or compartment should be of a sufficient size to allow each person sufficient space to rest comfortably. Suitable minimum dimensions are:</p> <ul style="list-style-type: none"> 11 square metres where the space accommodates two workers or 5.5 square metres where the space accommodates one worker. <p>(c) Not more than two persons should be required to sleep in any one room or compartment. Dormitory style sleeping accommodation is not suitable, unless unavoidable circumstances arise like inclement weather (preventing workers from leaving the workplace), or where workers voluntarily choose to reside on the premises for up to four nights.</p>

Each sleeping room or compartment should meet the privacy and security needs of its occupants and their belongings. It should have a lockable door, to which the occupants are provided a key which they must surrender at the end of their occupation of the room or compartment, or other arrangements made to secure the personal belongings of workers (see section 3.3).

- (d) Where there are men and women resident at the workplace, separate accommodation should be provided for men and women, regardless of the number of workers using the accommodation. That is, a man and a woman should not be required to share one sleeping room or compartment.
- (e) Where the number of workers resident is 20 or more, sleeping accommodation for any women residents should be provided in a separate building or area of a larger building.
- (f) Each sleeping room or compartment should be equipped with at least:
 - (i) One or two single beds of good sound quality, comprising a base and mattress. Mattresses need to be of an acceptable community standard, and not soiled or stained, and have a laundered mattress cover.
 - (ii) Bunk beds are not suitable.
 - (iii) A pillow and cover for each bed.
 - (iv) A chair for each occupant.

3.3 Storage facilities for personal belongings

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
Suitable storage should be provided for personal items belonging to workers.	(a) Permanent storage for personal belongings or clothing should be:
Permanent storage for clothing and personal belongings should be provided.	(i) located in an accessible and secure place,
Where storage is required, the following elements should be considered:	(ii) positioned so that there is reasonable space to change clothing or otherwise arrange belongings in the immediate proximity of the storage area or locker,
(i) accessibility	(iii) large enough to store the required items,
(ii) security	(iv) lockable, and
(iii) size	(v) fitted with sufficient clothes hooks, hanging rails and shelves as appropriate.
(iv) weather protection	(b) Suitable storage facilities should be provided where an employer or controller:
(v) avoiding contamination from dirty clothing.	(i) requires a worker to provide particular equipment, such as tools; or
	(ii) provides workers with tools or equipment which becomes their responsibility once issued.

3.4 Facilities for changing clothes

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
<p>The employer should make provision for workers to change their clothes.</p> <p>Consider the following factors when making allowances for this provision:</p> <p>(i) adequate space for hanging clothes</p> <p>(ii) enough room to allow for the number of workers who need to change simultaneously, if required</p> <p>(iii) suitable seating, light and ventilation.</p>	<p>(a) The facilities should be appropriate for the circumstances for which they are provided and the number and gender mix of workers who may simultaneously be using them. The homestead may provide a suitable facility.</p> <p>(b) Where both men and women are required to use the facilities, then doors should be latchable in order to ensure privacy of the workers.</p> <p>(c) Change rooms should be separate from other parts of the workplace and used only as a change room.</p> <p>(d) Change rooms should be located conveniently to toilet, showering and washing facilities.</p> <p>(e) Change rooms should contain adequate space for hanging clothes, such as a reasonable number of clothes hooks spaced apart.</p>

3.5 Shower facilities

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
<p>Showering facilities are needed for personal hygiene and should be provided in conjunction with accommodation.</p> <p>Suitable shower facilities should be provided where accommodation is provided.</p>	<p>(a) The facilities should be appropriate for the circumstances for which they are provided and the number and gender mix of the workers who may be simultaneously using them. The homestead shower may be a suitable facility.</p> <p>(b) The following factors should be considered:</p> <p>(i) adequate space for hanging clothes</p> <p>(ii) enough showers to allow for a number of workers to shower simultaneously</p> <p>(iii) suitable light, ventilation and soap is provided</p> <p>(iv) the floor is non-slip material</p> <p>(v) the shower has a curtain or door to ensure privacy and contain water spray</p> <p>(vi) warm or hot water should be provided.</p> <p>(c) Where men and women will need to use the facilities, then doors should be latchable in order to ensure privacy of the workers.</p> <p>(d) Showers should be provided at the rate of at least one per every 10 workers or part thereof.</p>

- (e) Where there are fewer than five workers, a single shower is adequate, however the privacy and security of all workers should still be ensured. Having a latchable door, an 'engaged' sign and instructing workers on their responsibility to ensure the privacy of others are ways of achieving this.
- (f) Facilities should be protected from the weather, and be under cover. They should be located within reasonable proximity to the accommodation and adjacent to change rooms.
- (g) Clean hot and cold water should be provided to the shower facilities.
- (h) Where shower cubicles or enclosures also contain, or are directly adjacent to, the clothes changing area, suitable mats should be provided to the floor of the clothes changing area so as to provide a dry footing for users.

3.6 Hand washing facilities

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
<p>Hand washing facilities should be provided for all workers to ensure personal hygiene.</p> <p>Hand washing facilities should be appropriately located and in sufficient number depending upon the number of workers.</p>	<ul style="list-style-type: none"> (a) Hand washing facilities, consisting of clean water, soap and a hygienic means of drying hands, or other suitable hand cleaning agents, must be provided to all workers. (b) These facilities should be: <ul style="list-style-type: none"> (i) protected from the weather (eg under cover) (ii) readily accessible (iii) provided with hot water. (c) Facilities should be located within reasonable proximity to the actual work site and adjacent to toilets, dining facilities and/or change rooms. (d) Hand washing facilities should be provided at the rate of at least one wash basin per 10 workers or part thereof. (e) Separate facilities, at the rates in (d) above, should be provided for men and women if the number of workers at the workplace exceeds five at any one time. (f) Basins or wash trough points should be suitably spaced apart for persons to adequately wash themselves.

3.7 Toilet facilities

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
Clean and hygienic toilets must be provided in conjunction with accommodation.	<p>(a) Toilets should not be located too far away from any sleeping, dining or cooking facilities. As a guide, the location should not be more than 55 metres from any sleeping, dining or cooking facilities.</p> <p>(b) Each toilet enclosure should:</p> <ul style="list-style-type: none"> (i) be of a reasonable size (ii) be soundly constructed, on a well drained, waterproof base (iii) be weatherproof (iv) have adequate ventilation and lighting (v) have adequate exterior lighting so as to ensure the safety and security of users (vi) be fitted with a door capable of latching from the inside (vii) have a hinged seat and lid (viii) be supplied with adequate toilet paper (ix) include measures to keep out flies, snakes and vermin (x) be serviced regularly to ensure it is operating properly. <p>(c) An adequate number of toilets should be available, appropriate to the size and gender mix of the workforce. Toilets for men and women should be clearly marked as such.</p> <p>(d) Toilets for workers should be provided at the following rates, as provided by the BCA:</p>

	Toilet (Closet) pans	Urinals*
Resident men	At least 1 per 10 persons or part thereof	1 per 25 persons or part thereof
Resident women	At least 1 per 10 persons or part thereof	Not applicable

* Urinals are not mandatory. Where urinals are provided for resident men, the number of pans decreases to a ratio at least 1 per 12 resident men or part thereof.

- (e) Where there are five or fewer workers (of both sexes), a single toilet is adequate, however the privacy of all users should be ensured. Having a latchable door, an 'engaged' sign, and instructing workers on their responsibility to ensure the privacy of others are ways of achieving this.

- (f) Where possible toilets should be connected to the sewer or septic waste disposal system. If that is not possible, self-contained flushing or open closet portable toilets should be provided. Other suitable systems include bio-cycle, enviro-cycle, chemical or organic. Long drops are not suitable.
- (g) Toilets not connected to the sewer or septic system should be cleaned and stocks replenished regularly to ensure that they remain in a sanitary condition. As a minimum, this should be at least once every two weeks for a toilet used by up to five persons and at least once every week for a toilet used by more than five persons.
- (h) Adequate and hygienic means for the disposal of sanitary items should be provided for women.

3.8 Laundry facilities

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
<p>Workers need to wash their work and non-work clothes on a regular basis. Access to facilities should be sufficient for the number of workers involved.</p>	<ul style="list-style-type: none"> (a) Workers who are required to remain 'in residence' for over seven days should be provided with access to a laundry facility equipped with: <ul style="list-style-type: none"> (i) sinks or tubs with hot and cold running water (ii) washing powder and/or detergent, and a scrubbing brush (iii) bench or table for preparing and sorting clothes (iv) storage space for laundry requisites (v) washing machine (vi) dryer and/or clothes line (vii) iron and ironing board. (b) As an alternative to the facilities in (a) above, the employer may provide a laundry service.

3.9 Dining facilities

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
<p>Dining facilities are to be provided in conjunction with accommodation.</p> <p>Provides a hygienic area to eat meals by reducing the likelihood of food being contaminated by substances used at work or by infectious agents, through the use of physical barriers such as structures or distance.</p> <p>Seating with back support helps to reduce back stress.</p> <p>These facilities should be located as closely as possible to other amenities such as washing facilities and change rooms, where practicable.</p> <p>Each dining facility should be:</p> <ul style="list-style-type: none"> (i) of reasonable size relative to the number of workers using it at any one time (ii) weatherproof, (iii) have adequate ventilation and lighting (iv) have adequate tables and chairs (v) be constructed of materials that are easy to clean. 	<ul style="list-style-type: none"> (a) An under cover and preferably fully enclosed area should be provided for workers to eat their meals. (b) The structure housing the dining area should be solidly constructed, weather proof and have a solid, level floor. It should have adequate lighting, heating, cooling, ventilation and insect screening. (c) The dining area should be separate from any work area where the work involves exposure to dirt, chemicals, animals or any other process or substance that may be dangerous or unhygienic. It should be in a readily accessible but separate building, or separated by partitioning. (d) It is preferable to provide a dedicated dining area. (e) Each dining area should be equipped with: <ul style="list-style-type: none"> (i) adequate numbers of suitable tables of a suitable size (ii) adequate seating for the numbers of persons likely to use the facility at any one time (iii) a refrigerator of adequate size to store perishable foods brought to the workplace by workers (iv) an appropriate means of boiling water, such as a fixed or portable urn or kettle (v) food warming appliances of a size appropriate to the number of users of the facility (vi) a sink unit of adequate size, with a supply of clean water, connected to a sewerage, septic or other appropriate waste system (vii) a suitable space or shelving for storage of workers' provisions, such as food and utensils (viii) an adequate supply of food preparation utensils, cutlery and crockery (ix) garbage bins with lids for the disposal of refuse. (f) An adequate supply of cool, clean drinking water must be provided and readily accessible. (g) All water should come from water supplies or tanks that are free from contamination, sediment and rust.

3.10 Cooking and food storage facilities

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
<p>Needed to preserve and prepare food brought by workers for their own consumption and to store food and prepare meals.</p> <p>The employer should ensure that workers have access to:</p> <ul style="list-style-type: none"> (i) refrigerators and/or freezers (ii) food cooking or warming appliances (iii) sinks (iv) boiling water (v) cooking utensils, cutlery and crockery (vi) garbage bins or other refuse disposal. 	<ul style="list-style-type: none"> (a) Facilities should be appropriate for the number of resident workers. (b) The area provided for cooking and food storage should be separate from but adjacent to the dining area. (c) The facility should be equipped with the following items: <ul style="list-style-type: none"> (i) a freezer of adequate size to store perishable foods in sufficient quantities to supply resident workers (ii) a refrigerator of adequate size to store perishable foods in sufficient quantities to supply resident workers (iii) an appropriate means of boiling water, such as a fixed or portable urn, or kettle (iv) food cooking and warming appliances of a size and type appropriate to the number of users of the facility. This would usually be a fixed oven and stove elements or burners (v) a sink unit of adequate size, with a supply of clean water, connected to a sewerage, septic or other appropriate waste system (vi) a suitable space or shelving for storage of provisions, such as food and utensils (vii) an adequate supply of utensils, cutlery and crockery for food preparation and eating (viii) garbage bins with lids for the disposal of refuse (and suitably fly and vermin proofed). (d) Where at the one workplace, some workers are resident and some are not, each group of workers could have dedicated food storage and cooking facilities. However, where facilities are shared, administrative arrangements should ensure that shared use does not result in problems such as conflicts over access to facilities, or use by non-resident workers of food provided for or owned by resident workers.

Chapter 4 – Obtaining more information

4.1 WorkCover documents

Code of practice: workplace amenities. Cat No. 318

Code of practice: work in hot or cold environments. Cat No. 309

Code of practice: electrical practices for construction work, should be observed for temporary construction work facilities. Cat No. 301

AS/NZS 3760 In-service safety inspection and testing of electrical equipment (an approved industry code of practice).

Guide: Drugs and alcohol in the workplace. Cat No. 1359

4.2 Other sources of OHS and workers compensation information

For a comprehensive range of other codes of practice, guidance material and information on occupational health and safety, injury management and workers compensation, contact WorkCover NSW on **13 10 50** or go to www.workcover.nsw.gov.au.

Appendix 1 – Accommodation checklist

You can use this to plan and evaluate your own facilities.

Facilities provided

Consider the following

Storage of belongings

Changing clothes (change rooms, size, location)

Hand washing (basins, taps, water supply)

Showers and washing (number of showers, location)

Toilets (number, sex ratio, location)

Drinking water (locations, water supply, cups etc)

Dining and eating (size, location, number of seats and tables)

Sleeping accommodation (type, number of beds, location)

Cooking and food storage for residents (location)

Laundry for residents (type, location)

Cleaning and maintenance (describe procedures, materials provided and how often)

Checking that facilities are adequate

Consider: when are checks to be made, how this is to be done and who will do it.

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