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# **Guidance for Safety Performance Reports**

**Consultation Draft**

Prepared by: Rail Safety Regulators Panel

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# **PART A – REQUIREMENTS FOR RAIL TRANSPORT OPERATORS**

## **1. Overview**

The purpose of Part A of this Guidance is to provide guidance to rail transport operators on the preparation and submission of Safety Performance Reports as required under national model rail safety laws.

- Chapter 2 provides an overview of the relevant provisions of the national model rail safety laws, variations and additions to these provisions in State & Territory rail safety acts and regulations.
- Chapter 3 sets out the content requirements of safety performance reports and provides guidance on the content to be included in such reports.
- Chapter 4 provides advice on the key performance indicators for safety performance reports and gives indicative advice about developing positive key performance indicators.
- Chapter 5 indicates the timeframes for the submission to Regulator(s) of safety performance reports, including;-
  - processes for seeking the Regulator(s) agreement for alternate reporting periods and submission deadlines, and
  - report submission procedures for operators who are accredited in more than one State and/or Territory.

The following abbreviations and acronyms are used throughout this Guidance.

RSR	Rail Safety Regulator
RSB	National Rail Safety Model Bill 2006
Regulations	National Model Rail Safety Regulations 2006
SMS	Safety Management System
SPR	Safety Performance Reports

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## **2. Safety Performance Reports**

This Chapter provides guidance on the legislative requirements relating to SPRs.

### **2.1 General requirements**

The legislation (RSB s60) requires rail transport operators to prepare a SPR for each reporting period. The legislation defines “reporting period” as a calendar year (1 January until 31 December) and requires a SPR to be submitted within 6 months after the end of each reporting period.

The legislation (RSB s 60(1)) requires SPRs to contain;-

- a description and assessment of the safety performance of the rail transport operator’s railway operations;
- comments on any deficiencies in, and any irregularities in, the railway operations that may be relevant to railway safety;
- descriptions of any safety initiatives undertaken during the reporting period or proposed to be undertaken in the next reporting period,
- any other information or performance indicators specified in the Regulations.

The legislation (Regulations cl 19(4)) requires that safety performance reports must include a summary of the outcomes of the review of the SMS. At this stage, the Regulations do not specify performance indicators to be included in SPRs. Instead, guidance on performance indicators is provided in this Guidance.

The legislation (RSB s60(2)) provides that it is an offence for rail transport operator to fail to submit a SPR which complies with RSB and Regulation requirements by the specified deadline.

### **2.2 Review of the SMS**

Under the legislation (RSB s59) rail transport operators are required to review their SMS in accordance with the requirements of the Regulation.

In summary, the legislation (Regulations cl 19) requires that the review of the SMS must;-

- assess the effectiveness of the SMS, taking into account;-
  - records of notifiable occurrences and breaches of the SMS;
  - recommendations arising from audits and investigations; and
  - issues arising from prohibition or improvement notices;
- seek the views of workers and their representatives on how the SMS could be improved; and
- identify deficiencies in the SMS and develop plans to remedy the deficiencies and implement any other identified improvements.

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Note: the consultation requirements in the legislation may be subject to local variations.

Rail transport operators must conduct a review of their SMS at least once a year, or at other time periods as agreed between the rail transport operator and the RSR (RSB s 59).

Procedures for conducting the review of the SMS and documenting its outcomes must be included in the rail transport operator's SMS (Regulations Schedule 1, Part F).

### **2.3 National Rail Safety Bill & Regulation Provisions**

The required contents of an SMS are set out in Schedule 1 of the Regulation.

SMS requirements relevant to the preparation of SPRs include requirements for:-

- the systems and procedures for the review of an SMS in accordance with section 59 of the RSB and clause 19 of the Regulations
- documentation of the matters set out in clause 19(3) of the Regulations (Schedule 1, Part F);
- the use of key performance indicators to determine the effectiveness of the SMS (Regulation, Schedule 1, Part G);
- an audit program to determine whether the railway operations comply with the SMS and to determine the effectiveness of the SMS (Regulation, Schedule 1, Part H).

The *National Guideline – Preparation of a Rail Safety Management System* published by the National Transport Commission provides detailed guidance on the contents of an SMS and processes for developing an SMS.

### **2.4 State & Territory Variations to National Model Provisions**

Some State and Territory rail safety legislation includes requirements for SPRs which differ from RSB and Regulation provisions.

Victorian and proposed NSW “local variations” to SPR requirements are outlined below. At the time this Guidance was published, no other States or Territories had enacted or proposed variations to RSB and Regulation provisions for SPRs.

Rail transport operators should seek advice from the RSRs of States and Territories in which they are accredited and determine any additional local requirements for SPRs.

#### **2.4.1 Additional NSW Provisions**

In addition to the RSB and Regulation provisions indicated above, the draft NSW *Rail Safety (General) Regulation 2007* (clause 19) requires that SPRs must include:-

- 
- details of the operation of the rail transport operator's drug and alcohol management program (which under NSW Regulations must include testing arrangements); and,
  - information about the operation of the rail transport operator's fatigue management program, including the operation and review of monitoring procedures related to any exemptions granted to the rail transport operator from the maximum working hours for train drivers specified in Schedule 2 of the NSW Act.

#### **2.4.2 Additional Victorian Provisions**

Instead of the RSB and Regulation provisions indicated above, the Victorian *Rail Safety Regulation 2006* (clause 49) requires that "annual reports" include information about:-

- the extent to which the rail operator satisfies the key performance targets as specified in its SMS for the year;
- the incidence of notifiable accidents or incidents and analyses of safety trends;
- recommendations (if any) of audits conducted in accordance with the SMS;
- recommendations (if any) of the findings of inspections conducted in accordance with the SMS;
- findings of inquiries and investigations into railway accidents or incidents and subsequent implementation of actions to prevent a recurrence of any such occurrence.
- a summary of changes made to the SMS in the previous financial year.

Under the Victorian Regulation, the reporting period is the financial year and the submission date is 30 September each year.

#### **2.5 Difference between Rail Safety & Occupational Health and Safety Risks**

The legislation (RSB s28(1)) specifies that a rail transport operator must ensure, so far as is reasonably practicable, the safety of the operator's railway operations. In contrast, under occupational health and safety legislation employers are required to ensure, so far as is reasonably practicable, the safety of their employees and other people at the employer's place of work.

SPRs should explicitly deal with rail safety risks associated with the rail transport operator's railway operations. Rail transport operators' SPRs should not include information on occupational health and safety risks, for example information about lost time injury frequency rates, unless it is also directly related rail safety.

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## 3. Contents of Safety Performance Reports

This Chapter provides guidance on the structure and contents of SPRs, which encompasses RSB and Regulation provisions for both the conduct of annual reviews of the SMS and the contents of SPRs.

The Chapter indicates a proposed structure for SPRs which includes 9 sections;

1. Executive Summary
2. Index
3. General information
4. Description and assessment of safety performance for the reporting period
5. Comments on deficiencies or irregularities in railway operations relevant to safety
6. Safety initiatives for the reporting period
7. Safety initiatives proposed for the next reporting period
8. The outcomes of the SMS review conducted during the reporting period
9. Jurisdiction specific reporting requirements

### **3.1 Executive summary**

SPRs should contain an executive summary that contains key points on how rail transport operators have managed rail safety risks during the reporting period depending on the size and complexity of railway operations. The executive summary should be concise and clearly bring to the attention of the reader the highlights of the SPR, and provide key safety performance advice against selected KPIs.

### **3.2 Index**

SPRs should contain an index section that will allow information to be easily located.

### **3.3 General information**

SPRs should include the following items of introductory and general information;-

- the name of the rail transport operator as indicated in their Notice(s) of Accreditation;
- the States and Territories in which the rail transport operator is accredited;
- the reporting period covered by the SPR;
- the name and contact details of a person who has been appointed by the rail transport operator to deal with any queries that RSR(s) may have in relation to the SPR; and
- evidence that the SPR has been endorsed by the Board of Directors or the governing body of the operator.

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### **3.4 Description and assessment of safety performance for the reporting period**

This section should include data tables and/or graphs indicating safety performance against the KPIs identified in the rail transport operators SMS (as per RSB s60(1)(c)(i)).

Data and/or graphs should be accompanied by explanatory notes and analysis of the performance outcomes. For example, this explanatory information may include;

- key factors affecting the rail transport operator's performance against the KPIs and trends in KPI outcomes over time (eg significant changes in the nature and extent of the rail transport operator's railway operations);
- perceived reasons for any significant movements (improvements or deterioration) in the rail transport operator's performance against their KPIs;
- where relevant, comments on the nature, severity and consequences of significant safety incidents which have influenced performance against the KPIs (eg brief descriptions of incidents resulting in fatalities; causal factors associated with increased incidence of specific types of safety incidents).

To ensure information provided about the KPIs is clearly understood, the SPR should include advice about the definition of the terms used to describe the KPIs, why KPIs were selected and the nature and source of the data used for the KPIs.

As with all aspects of the rail transport operator's SMS, the scope, nature and number of KPIs reported against, should reflect the scope and nature of the rail transport operator's railway operations. Further advice on the KPIs suitable for inclusion in rail transport operators' SMSs and SPRs is available in Chapter 4.

### **3.5 Deficiencies or irregularities in railway operations relevant to safety**

This section should include any significant deficiencies or irregularities identified during audits of an SMS, or noted in connection with any SMS compliance activities across the rail transport operator.

A summary of deficiencies or irregularities reported which prompted RSRs to issue any prohibition or improvement notice during the reporting period must also be provided in the SPR. In particular, it must report on any notice which specifically indicated deficiencies or irregularities in the SMS or its consistent implementation across the rail transport operator's railway operations.

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### **3.6 Safety initiatives in the reporting period**

This section of the SPR should include a description of significant safety initiatives undertaken by the rail transport operator during the reporting period (as per RSB s60(c)(iii)).

For example, this section of the SPR may include significant revisions or additions to the SMS which were implemented during the reporting year, including SMS changes arising from:-

- previous SMS reviews;
- changes to rail safety legal requirements;
- changes to the scope and nature of the rail transport operator's railway operations during the reporting year;
- the outcomes of investigations of serious safety incidents concerning the rail transport operator's operations or comparable railway operations;
- corporate restructuring, mergers, acquisitions, divestments etc;
- changes in the use of contractors.

The level of detail provided should be sufficient to convey the relevance and significance of the initiatives to the overall safety performance of the rail transport operator.

As far as possible the SPR should also include information on significant delays and/or barriers to implementing significant safety initiatives and SMS changes, and information on how their effectiveness has, or is proposed to be, assessed.

Rail transport operators may also wish to use this section to highlight industry wide issues which have impacted on safety performance, including participation in initiatives led by RSR(s), industry associations or research institutions.

### **3.7 Safety initiatives proposed for the next reporting period**

This section of the SPR should outline significant safety initiatives which will be developed or implemented during subsequent reporting periods (see RSB s60(1)(c)(iii) and Regulations cl 19(3)(i)).

In general, this section should focus on the implementation of remedial actions to address significant SMS deficiencies indicated by the annual SMS review.

It is also appropriate to include significant safety issues or SMS changes expected to arise from known future changes to:-

- rail safety legal requirements and "network rules";
- scope and nature of the rail transport operators railway operations;
- interfaces with other rail transport operators;

- 
- corporate restructuring, mergers, acquisitions, divestments etc; and
  - the extent of the use of contractors.

In relation to these types of changes, this section of the SPR should include;-

- the anticipated impact of the initiatives on future safety performance, including the nature of the risks they address and details of assessments of those risks;
- key milestones and timeframes for the implementation of the initiatives.

### **3.8 Outcomes of the SMS reviews conducted during the reporting period**

This section of the SPR should summarise the outcomes of the annual review of the SMS, and identify any significant deficiencies or irregularities in the conduct of railway operations (as per RSB s 60(1) (c) (ii) and Regulations cl 19).

For example, this section of the SPR should include;-

- the key findings and proposed remedial actions or initiatives arising from the SMS review, including significant deficiencies in the SMS and deficiencies in compliance with the SMS across the rail transport operators railway operations;
- the key findings and the proposed response to the outcomes of formal SMS audits;
- the outcomes of investigations into significant incidents (either occurring in, or relevant to the rail transport operator's railway operations) that were finalised or published during the reporting year;
- the response to any prohibition or improvement notices issued to the rail transport operator during the reporting period, particularly notices which indicated deficiencies in the SMS or its consistent implementation across the rail transport operator's railway operations;
- deficiencies in the SMS and suggestions for improving the SMS that were identified during consultation with workers and their representatives as part of the annual review of the SMS, including a description of these consultative processes undertaken.

It is suggested that all the above matters be included in the SPR. Where no significant safety issues requiring remedial action were identified during the course of the SMS review process, it should be noted that the item was considered during the review and that no significant safety issues were identified.

The type of safety issues included in this section of the SPR, and the level of detail provided will vary according to the size and nature of the rail transport operator's railway operations. It is suggested that matters be selected for inclusion in the

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SPR based on an assessment of their relevance and significance to the overall safety performance of the rail transport operator.

### **3.9 Jurisdiction specific reporting requirements**

Rail transport operators who hold accreditation in NSW or Victoria should also report on the requirements specified in sections 2.4.1 & 2.4.2. Rail transport operators should consult other jurisdictions to obtain details of their specific reporting requirements.

## **4. Development of Key Performance Indicators**

### **4.1 Relevant Legal Provisions**

Under the RSB and Regulations (Schedule 1 Part G), the SMS of rail transport operators must include:-

- systems and procedures to ensure the SMS is effective by using Key Performance Indicators (KPIs); and
- systems and procedures to ensure the collection, analysis, assessment and dissemination of safety information held by the rail transport operator.

The *National Guidelines for the Preparation of SMS* (Part A, Section 11) indicate that SMS should include:-

- “Positive” indicators, or those which measure activities undertaken to improve safety performance, for example, the number of safety audits conducted, or competence checks undertaken, or the number of drug and alcohol tests conducted.
- “Outcome” indicators, or those which measure safety outcomes, for example the number of non-compliances revealed by a safety audit, or the number of positive results of drug tests, or injuries sustained, or signals passed at danger.

Details of the rail transport operator’s performance against the KPIs identified in their SMS should be included in SPRs.

This chapter sets out some general principles for the selection and presentation of KPIs in SPRs, as well as examples of KPIs which may be considered suitable for inclusion in rail transport operator SPRs.

### **4.2 Principles for selecting KPIs**

The following principles should be considered when selecting KPIs for inclusion in SPRs:-

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- **Relevant to high-level safety objectives**

While measurable performance indicators can be adopted for a virtually limitless range of safety management processes, the purpose of “key” performance indicators is to provide readily understandable information regarding the overall objectives of the SMSs (eg, to reduce the incidence and consequences of injuries and illnesses arising from railway operations).

The SPR should include a relatively small and manageable number of KPIs which reflect the overall safety performance of the rail transport operator, and the effectiveness of key features of the SMS which contribute to the prevention of “high-consequence” safety incidents.

- **Clearly defined and unambiguous terms and concepts**

The KPIs used in SPRs should be clearly defined (including concise and unambiguous definitions of key terms used to define the KPIs). This will ensure the KPIs are readily understandable to relevant stakeholders and can be clearly related to the overall objectives of the SMS.

- **Measurable over time**

The KPIs should be based on quantifiable data items that can be easily collected, stored and analysed in the medium to long term.

This will enable movements in performance outcomes to be monitored over time (“trend analysis”) and compared (or “benchmarked”) against similar railway operations or the railway industry as a whole.

- **Reflect outcomes rather than outputs**

To control the effects of changes in the size or volume of railway operations and activities, the KPIs should be expressed in relative terms, rather than absolute terms.

Rather than relying on simple counts of the number of incidents, activities or processes, the KPIs included in SPRs should measure their incidence or rate, relative to a quantifiable measure of the volume of relevant activities, or as a percentage of a target performance level.

In light of these general principles, it is suggested that the KPIs included in SPRs should predominantly include outcome KPIs which use widely accepted and used systems for the classification and definition of safety incidents, such as the occurrence classification standard adopted by State and Territory RSRs (known as ON-S1).

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### **4.3 KPIs suitable for inclusion in Safety Performance Reports**

This section sets out a range of KPIs that are considered suitable for inclusion in SPRs.

Sections 4.3.1 to 4.3.3 provide examples of “outcome” KPIs which use occurrence classifications, classification principles and definitions set out in ON-S1.

Since they are based on ON-S1 categories and normalisation data which rail transport operators are required to report to RSRs, and which are forwarded to the ATSB for inclusion in a national database, there are also opportunities for these outcome KPIs to be used by RSRs and rail transport operators to benchmark rail transport operator performance across jurisdictions and nationally.

As well, the examples of outcome KPIs included below are comparable to those required to be reported to by railway operators in European Union member countries, and may provide the basis for international benchmarking of rail transport operator safety outcome performance.<sup>1</sup>

Section 4.3.4 includes examples of positive performance KPIs which may be considered suitable for inclusion in SPRs.

#### **4.3.1 Incidence of significant notifiable occurrences**

KPIs suitable for inclusion in SPRs of rail transport operators include the total number and incidence relative to train kilometres travelled of the following types of occurrences (relevant ON-S1 references are indicated in brackets);-

- Running line derailments (ON-S1 category 2.1.1)
- Collisions with train (2.2.1)
- Collisions with rolling stock (2.2.2)
- Collisions with persons (2.2.3)
- Level crossing occurrences – road vehicle collision (2.3.1)
- Level crossing occurrences – collision with person (2.3.2)
- Fires in trains (2.14)
- Explosions trains (2.15)
- Alleged assaults on the rail transport operator’s premises or trains (2.16)
- Suicide of suspected suicides on the rail transport operator’s premises or trains (2.17)

Additional KPIs suitable for inclusion in the SPRs of rail transport operators who operate passenger train services are the total number and incidence relative to the total number of passenger journeys of the following types of occurrences;-

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<sup>1</sup> Railway operators in EU member countries are required to include performance against “Common Safety Indicators” in their annual safety reports. See UK Railways and Other Guided Transport Systems (Safety) Regulation 2006, Schedule 3.

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- Slip, trip or fall of passenger from a train (ON-S1 categories 2.7.1 and 2.7.2)
  - Slip, trip or fall of a passenger on a train (2.7.3)
  - Slip, trip or fall of a passenger on railway premises (2.7.4 to 2.7.8 and 2.7.10)
  - Passenger caught between train doors (2.7.9)

#### **4.3.2 Incidence of Fatalities and Serious Personal Injuries**

KPIs suitable for inclusion in SPRs include the total number and incidence relative to total train kilometres travelled of the following:-

- Fatalities (ON-S1 category 1.16.1)
- Serious personal injuries (1.16.2)

The data for these KPIs should be broken down by the type of significant occurrence (as indicated in section 4.3.1) and the following types of persons:-

- employees, contractors and volunteers (ON-S1 categories 1.8, 1.9 & 1.10)
- passengers (1.11)
- members of the public (1.12)
- trespassers (1.13)

Only fatalities and serious personal injuries arising as a result of an ON-S1 occurrence category should be included. That is, workplace injuries and illness required to be reported to occupational health and safety and/or workers compensation authorities, and which do not fall within ON-S1 classification scheme, should generally not be included.

#### **4.3.3 Other notifiable occurrences**

KPIs suitable for inclusion in SPRs of rail infrastructure managers and rolling stock operators include the total number and incidence relative to total train kilometres travelled of the following types of occurrences;

- signals passed at danger (ON-S1 category 2.4)
- proceed authority exceeded (2.5)
- loading irregularities (2.8)
- dangerous goods incident (2.9)
- rolling stock irregularity (2.12)

For rail transport operators who are rail infrastructure managers, KPIs suitable for inclusion in SPRs include the total number and incidence relative to the total length of track of the following types of occurrences:-

- Signal irregularity (2.6)
- Track irregularity (2.11)
- Electrical infrastructure irregularity (2.13)

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For rail transport operators who are rolling stock managers, KPIs suitable for inclusion in SPRs include the total number and incidence relative to the total length of track of the following types of occurrences;-

- Derailment (2.1)
- Collision (2.2)
- Level crossing occurrence (2.3)

#### **4.3.4 Positive performance indicators**

Examples of “positive” KPIs suitable for inclusion in SPRs include;

##### Conduct of SMS Audits

- The number of audits carried out in accordance with the audits in the rail transport operator’s SMS during the reporting period.
- The number of audits carried out expressed as a percentage of the planned number of audits for the reporting period.
- The percentage of non-conformances specified in audit reports which have not been “closed out” within planned timeframes.
- The total number and percentage of non-conformances identified in RSR audits which have not been closed out within agreed timeframes.

##### Health Assessments

- The number, and the percentage, of the rail transport operator’s rail safety workers who have undergone periodic health assessments in accordance with the National Health Assessment Standard, by category (1-4), at a specified date within the reporting period.

##### Rail Infrastructure and Rolling Stock Inspections

- The total number of rail infrastructure and rolling stock inspections carried out, and the percentage of the total number planned to be carried out in accordance with SMS procedures.

##### Rail Infrastructure and Rolling Stock Defects

- The total number of notifiable rail infrastructure and rolling stock irregularities reported, and the number and percentage of the total which have not been responded to in accordance with SMS procedures.

##### Hazard Reporting

- The total number of hazard reports submitted by the rail transport operator’s rail safety workers, and the percentage effectively responded to (or “closed-out”).

##### Emergency Management

- The percentage of the rail transport operator’s rail safety workers who have received training in emergency procedures.
- The number of emergency response practical exercises or drills.

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#### Compliance with Enforcement Notices

- The total number of enforcement notices received during the reporting period.

#### Compliance with Investigation Report Recommendations

- The total number of external and/or internal incident investigation report recommendations which have not been closed out within planned timeframes.

## **5. Reporting Periods and Submission Deadlines**

The legislation (RSB s60) requires rail transport operators to prepare a SPR for each reporting period. The legislation defines “reporting period” as a calendar year (1 January until 31 December) and requires a SPR to be submitted within 6 months after the end of each reporting period.

Under the RSB provisions, rail transport operators and RSRs may agree to change the length and/or timing of the reporting period and the submission dates for SPRs. In particular, **RSRs will seek to vary the reporting period and submission date where rail transport operators are accredited in more than one jurisdiction so that the reporting period will be the financial year and the submission date will be within 3 months after the end of each reporting period.** This will be negotiated by the Rail Safety Regulators Panel through the Rail Safety Consultative Forum.

It is the responsibility of a rail transport operator to ensure that its SPR is provided to the relevant RSR, or to the Principal RSR if the rail transport operator is accredited in more than one jurisdiction. The Principal RSR is generally the RSR of the State or Territory in which the rail transport operator was first granted accreditation.

This Chapter outlines processes for seeking alternate SPR reporting periods for:-

- rail transport operators who are accredited in one State or Territory, and new applicants for accreditation in one State or Territory (section 5.1); and
- rail transport operators accredited in two or more States or Territories, and rail transport operators seeking accreditation in additional jurisdictions (section 5.2).

### **5.1 Operators accredited in one jurisdiction**

#### **5.1.1 Applicants for accreditation**

New applicants for accreditation should indicate in their application if they are seeking alternate SPR reporting periods to those indicated in the rail safety legislation of the State or Territory in which they are seeking accreditation.

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Approved SPR timeframes may be included in either the Notice of Accreditation, or advised in writing to the rail transport operator, depending on the State or Territory in which accreditation is sought.

### **5.1.2 Currently accredited operators**

If rail transport operators accredited in one jurisdiction only wish to vary the SPR reporting period approved by the RSR and/or listed in their Notice of Accreditation, they should contact the RSR to discuss the proposed change.

The RSR will advise the information required to be included in a written application seeking approval of the proposed alternate SPR reporting period.

In some States or Territories the current SPR reporting period may be included in the rail transport operator's Notice of Accreditation. In these cases, the RSR may require a formal application for variation of accreditation in order to change the SPR timeframes.

Approved changes to SPR reporting periods may be included in either a revised Notice of Accreditation, or advised in writing to the rail transport operator, depending on the jurisdiction.

### **5.1.3 Submission deadlines**

The reporting period for operators accredited in one jurisdiction will generally be the calendar year (1 January until 31 December) with the submission of the SPR due within 6 months after the end of the reporting period. Variations to the reporting period and submission date will be determined by the relevant RSR in consultation with the rail transport operator and will generally be recorded on the accreditation notice of the rail transport operator.

In general, a written application to vary the SPR timeframes is not required in cases where the rail transport operator is unable to comply with their existing SPR submission deadline for a particular reporting period.

In these cases, the rail transport operator should advise their RSR in writing of the reasons for the delay and the expected submission date. However, it should be noted that failure to submit a SPR prior to the deadline is an offence under the RSB, and may result in enforcement action under the RSR's compliance and enforcement policy.

## **5.2 Operators accredited in two or more jurisdictions**

Rail transport operators who are accredited in two or more jurisdictions will only be required to prepare a single SPR covering all their accredited railway operations, which must be submitted to the Principal RSR. The Principal RSR is generally the RSR of the State or Territory in which the rail transport operator was first granted accreditation.

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The Principal RSR will ensure that all other relevant RSRs are provided with a copy of the SPR, and will co-ordinate any follow up action required.

### **5.2.1 Applicants for accreditation**

New applicants for accreditation in two or more jurisdictions should indicate in their application if they are seeking alternate SPR reporting periods to those indicated in the RSB (and/or the rail safety acts of the States and Territories in which they are seeking accreditation).

Rail transport operators applying for accreditation in additional jurisdictions(s) should indicate in their application if they are seeking a change to the SPR timeframes indicated in their existing Notice(s) of Accreditation.

The request for alternate SPR timeframes will be determined by the relevant RSRs in consultation with the rail transport operator, and confirmed in their new Notice of Accreditation and through variations to their existing Notices.

### **5.2.2 Currently accredited rail transport operators**

In the first instance, rail transport operators who are currently accredited in two or more jurisdictions should contact their Principal RSR to discuss any proposed applications to vary their SPR reporting period.

In some States or Territories the current SPR reporting period may be included in the rail transport operator's Notice of Accreditation. In these cases, the RSRs may require formal applications for variation of accreditation in order to change the SPR timeframes.

Approved changes to SPR reporting periods may be included in either revised Notices of Accreditation, or advised in writing to the rail transport operator.

### **5.2.3 Submission deadlines**

The reporting period for operators accredited in more than one jurisdiction will generally be the financial year (1 July until 30 June of the next year) with the SPR to be submitted within 3 months after the end of the reporting period. The submission date will be recorded on the accreditation notice of the rail transport operator.

Formal applications to vary the SPR timeframes are not required in cases where the rail transport operator is unable to comply with the submission deadline indicated in their current Notices of Accreditation in a particular year.

In these cases, the rail transport operator should advise their Principal RSR in writing of the reasons for the delay and the expected submission date. However, it

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should be noted that failure to submit a SPR prior to the deadline is an offence under the RSB, and may result in enforcement action.

## **PART B – REQUIREMENTS FOR RAIL SAFETY REGULATORS**

### **6. *Introduction***

The purpose of Part B of the Guidance is to provide guidance to RSRs on the receipt and assessment of SPRs.

Chapter 7 provides guidance to RSRs on agreeing submission dates for SPRs.

Chapter 8 provides guidance on the assessment of SPRs.

### **7. *Safety Performance Reports submission dates***

The reporting period for operators accredited in one jurisdiction will generally be the calendar year (1 January until 31 December) with the submission of the SPR due within 6 months after the end of the reporting period.

Alternatively, the rail transport operator and RSR may agree to another reporting period. The appropriate reporting period and submission date will be specified on the rail transport operators' notice of accreditation.

The reporting period for operators accredited in more than one jurisdiction will generally be the financial year (1 July until 30 June of the next year) with the SPR to be submitted within 3 months after the end of the reporting period.

If a rail transport operator applies to vary the SPR timeframe, the application will be considered by the Principal RSR in consultation with other relevant RSRs. In particular, RSRs will give consideration to their human and material resource availability and constraints, and their audit schedules.

In the event that RSRs fail to agree on an application to vary the SPR timeframe they should:

- provide each other with written reasons why they support or oppose the proposed change to the SPR timeframe;
- hold a teleconference or meeting to discuss these reasons; and
- if agreement is still not reached, escalate the decision with each RSR until the matter is resolved.

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## **8. Assessment of Safety Performance Reports**

The Principal RSR should distribute the SPR of a rail transport operator accredited in more than one jurisdiction to other relevant RSRs within 10 working days of receipt.

Upon receipt of the SPR all RSRs will conduct a desktop review to ensure it conforms with the prescribed requirements, including any jurisdiction specific reporting requirements as set out in Appendix 1. The desktop review should be conducted within 10 working days of receiving the SPR.

In the event such requirements have not been met, the RSR should advise the Principal RSR. The Principal RSR should proceed with advising the rail transport operator in writing of the outstanding required information. Arrangements should be made for such information to be supplied to the Principal RSR in the first instance and for it to be subsequently sent to other RSRs.

In the event a rail transport operator does not comply with the request for further information the relevant RSR may consider taking compliance action.

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## Appendix 1

### Checklist for the review of Safety Performance Reports

Rail Transport Operator:

Accreditation Period Covered by SPR:

Date of SPR:

#### Requirements of the RSB and Regulation

	Requirement	Comment by Reviewer
1.	Is the SPR in the approved form (if any)? (Section 60(1)(a))	
2.	Does the SPR contain a description and assessment of the safety performance of the rail transport operator's railway operations? (Section 60(1)(c)(i))	
3.	Does the SPR contain comments on any deficiencies in, and any irregularities in, the railway operations that may be relevant to the safety of the railway? (Section 60(1)(c)(ii))	
4.	Does the SPR contain a description of any safety initiatives in relation to the railway operations undertaken during the reporting period or proposed to be undertaken in the next reporting period? (Section 60(1)(c)(iii))	
5.	Is there a summary of the outcomes arising from the review of the rail transport operator's SMS? (Clause 19(4) of the Regulation)	
6.	<p><b>NSW local variations</b> - Rail Safety (General) Regulation clause 19.</p> <p>(a) Does the SPR contain details of the operation of the operator's drug and alcohol management program?</p> <p>(b) Does the SPR contain information about compliance of the operator's fatigue management measures and the operator's fatigue management program?</p> <p>(c) If the operator is exempt from the requirements of Schedule 2 to the Rail Safety Act 2008, does the SPR provide:</p> <ul style="list-style-type: none"><li>• details of monitoring procedures, and the result of monitoring, relating to the operator's fatigue management measures and details of any review of those measures, and</li></ul>	

	Requirement	Comment by Reviewer
	<ul style="list-style-type: none"> <li>• details of fatigue management measures and details of any review of those measures?</li> </ul>	
8.	<p><b>Victorian local variations</b> - Victorian Rail Safety Regulation 2006, clause 49 (a).</p> <p>Does the SPR provide information about the following required items?</p> <p>(a) The extent to which the accredited rail operator satisfies the key performance targets as specified in its SMS for the year;</p> <p>(b) The incidence of notifiable accidents or incidents and analyses of safety trends;</p> <p>(c) The recommendations (if any) of audits conducted in accordance with the SMS;</p> <p>(d) The recommendations (if any) of the findings of inspections conducted in accordance with the SMS;</p> <p>(e) The findings of inquiries and investigations into railway accidents or incidents and subsequent implementation of actions to prevent a recurrence of any such occurrence;</p> <p>(f) A summary of any changes made to the SMS in the previous financial year.</p>	