

# Managing Compliance Through Advice, Education and Training Policy



INDEPENDENT  
TRANSPORT  
SAFETY AND  
RELIABILITY  
REGULATOR

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## 1. Purpose

The NSW Independent Transport Safety and Reliability Regulator (ITSRR) has the principal objective of facilitating the safe operation of transport services in New South Wales. This is achieved through regulation of the rail industry in accordance with the *Rail Safety Act 2008* and supporting regulations, guidelines and policies, and promotion of safety as a fundamental objective in the delivery of transport services.

The purpose of this policy is to outline the ITSRR's approach to proactive facilitation of compliance through non-regulatory means, such as providing advice, education and training to duty holders about legislative requirements, particularly in relation to risk management and safety management systems, to support the objective of improving safety outcomes in railway operations.

## 2. Scope

This policy describes how the ITSRR goes about providing, or facilitating the provision of, advice, education and training to rail transport operators, those who conduct railway operations on their behalf, and other relevant parties for the purpose of facilitating compliance through non-regulatory means.

This policy is applicable to all ITSRR officers.

In this policy the provision of advice, education and training refers to the dissemination of information about rail safety obligations, and how they may be met, which is targeted at the rail industry generally.

This policy is one of a series of operational policies supporting the *National Rail Safety Guideline for Compliance and Enforcement for Rail Safety*. Other policies include:

- *ITSRR Policy on Managing Compliance Through Audits;*
- *ITSRR Policy on Managing Compliance Through Inspections;* and
- *ITSRR Policy on Managing Compliance Through Investigations.*

This policy should be read in conjunction with the *National Rail Safety Guideline for Compliance and Enforcement for Rail Safety* and the *NSW Appendix to the National Rail Safety Guideline for Compliance and Enforcement for Rail Safety*.

## 3. Definitions

**Act** means the *Rail Safety Act 2008* (NSW).

**rail transport operator** has the meaning given to it in the Act.

**railway operations** has the meaning given to it in the Act.

**Regulations** means the *Rail Safety (General) Regulation 2008* (NSW) and the *Rail Safety (Drug and Alcohol Testing) Regulation 2008*.

#### **4. Legislative framework**

Section 42D of the *Transport Administration Act 1988* assigns the ITSRR the function of providing, or facilitating the provision of, advice, education and training in relation to rail safety. This function is in alignment with the *National Rail Safety Guideline for Compliance and Enforcement for Rail Safety* which refers to a rail safety regulator's function of providing advice, education and training in relation to rail safety as a possible compliance and enforcement measure.

#### **5. Policy statement/s**

##### **5.1 Goals of providing advice, education and training**

The ITSRR aims to support rail transport operators and other duty holders to improve rail safety outcomes. In this context, the ITSRR provides advice, education and training to the rail industry to facilitate the industry's compliance with rail safety obligations, as well as the establishment and continual improvement of rail safety management systems.

##### **5.2 Providing advice, education and training**

###### **Who provides advice, education and training?**

The ITSRR provides general information for rail transport operators and the rail industry more broadly, through a range of initiatives including the ITSRR website and numerous hard copy and electronic publications.

Rail safety officers and other ITSRR staff may provide advice, education and training or the ITSRR may engage third parties to provide advice, education and training to the rail industry.

###### **What advice, education and training is provided?**

To assist duty holders, the ITSRR publishes a range of materials in hard copy and online including:

- general guidance on legislative requirements and safety management, for example fact sheets and frequently asked questions;
- annual safety and reliability reports and quarterly reports on the implementation of the NSW Government response to the Special Commission of Inquiry into the Waterfall Rail Accident. The ITSRR also publishes reports that address reliability and safety issues;
- *Rail Industry Safety Notices* to inform the NSW rail industry of important safety issues;
- *Information Alerts* which are a concise summary of recent regulatory developments which merit being brought to the attention of the NSW rail industry;
- a quarterly newsletter, *The Regulator*, featuring recent events and pertinent safety news for the NSW rail industry;
- *Transport Advisory Weekly*, an on-line news portal targeted at the rail industry which reports on recent domestic and international developments in the transport industry; and

- numerically referenced forms for various compliance, accreditation and notification purposes all of which can be downloaded or submitted on-line.

ITSRR may also offer training from time to time in response to an identified industry need. For example, the ITSRR has developed and published a model drug and alcohol testing officer training course which can be accessed on the ITSRR's website. ITSRR has also provided training for testing officers of rail transport operators using the model training course.

However, the ITSRR does not provide training as envisaged under section 21 of the Act which requires that "a rail transport operator must, so far as is reasonably practicable, ensure that each rail safety worker, who is to carry out rail safety work in connection with railway operations for which the operator is required to be accredited, has the competence to carry out that work".

Rail safety officers may provide, verbally or in writing, information aimed at helping rail operators and other duty holders to understand and meet their legislative obligations. This may include general information to assist an operator to meet a specific rail safety obligation. Such information is given in good faith and based on the considered view of the rail safety officer, usually in the context of regular interaction between rail safety officers and rail transport operators. This information should not be taken as a sanctioned means of compliance.

Rail safety officers are not to provide advice tailored to individual operators needs suggesting or detailing what an operator should do, given the nature of their operations or their specific circumstances, to comply with the legislation. The duty holder always has responsibility to determine the most suitable compliance mechanism.

### **When will advice, education and training be provided?**

Provision of advice, education or training to rail transport operators and other duty holders may be considered appropriate by the ITSRR in order to promote awareness about, or improved understanding of, the law or conditions of accreditation. Additionally, industry may request assistance from the ITSRR in the form of advice, education or training in respect of legislated requirements or duties.

## **6. Supporting documentation**

- *National Rail Safety Guideline for Compliance and Enforcement for Rail Safety*
- *NSW Appendix to National Rail Safety Guideline for Compliance and Enforcement for Rail Safety*
- *Policy – Compliance and Prosecution*
- *Policy – Managing Compliance through Audits*
- *Policy – Managing Compliance through Inspections*
- *Policy – Managing Compliance through Investigations*
- *Policy – Enforceable Voluntary Undertakings*
- *Policy – Suspending or Revoking Accreditation*

**7. Approval/review/amendments history**

Amendment/Review No.		Version No.	Amended by	Description

Approved  
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