MAXIMISING GOVERNMENTS' COMMITMENT TO RAIL SAFETY THROUGH NATIONAL SAFETY REGULATION AND INVESTIGATION

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INTRODUCTION

There are two key roles for government in relation to rail safety - that of ensuring compliance with rail safety legislation (role of the regulator) and continuous improvement through independent no-blame investigation (role of the investigator).

Currently in Australia the role of regulator is undertaken by a separate agency in each state and the Northern Territory, seven in total. In addition to the seven regulators, Australia also has three independent safety investigators, the Australian Transport Safety Bureau (ATSB) and state agencies in New South Wales and Victoria.

In July 2009 the Council of Australian Government (COAG), which comprises the Prime Minister of Australia, state Premiers and territory Chief Ministers, agreed to establish a National Rail Safety Regulator (NRSR) and a National Rail Safety Investigator (NRSI), with the ATSB's role enhanced to undertake the role of the NRSI.

This national reform is a significant development for the Australian rail industry and demonstrates Governments' commitment to rail safety.

RAIL SAFETY REGULATION

Background to rail safety reform

Australia has a population of approximately 23 million people and consists of six states and 2 territories and an overarching federal government. The Australian Constitution defines the responsibilities of the federal government, which include foreign relations, trade, defence and immigration; however responsibility for rail safety rests with the states and territories. Historically railways were state government owned and self regulated. Since the 1990s services have been privatised and regulated separately by each state with specific rail safety legislation introduced in each state during the early 1990s.

There are just fewer than 200 accredited railways in Australia which range from large companies that operate across borders to small tourist and heritage operators. Accredited railways that operate in multiple jurisdictions are required to be accredited in and meet the legislative requirements for each jurisdiction in which they operate. In some instances this could mean applying for accreditation in 7 different jurisdictions and ensuring internal business processes and staff are cognisant of different requirements, such as in relation to fatigue management, when crossing borders.

The commitment of the federal, state and territory governments to rail safety is evident through the reform process that has been underway since 2004. It was then that representatives' from all states and territories, industry and the Rail, Tram and Bus Union (RTBU) came together to develop model legislation that could be enacted through all parliaments, providing the same legislative requirements in each state and territory and harmonising rail safety laws across the country. The National Model Rail Safety Bill and Regulations were approved in November 2006 by Australia's transport Ministers, and subsequently implemented by each jurisdiction over the next five years.

While a significant step forward in improving uniformity and harmonisation, the National Model Rail Safety Bill allowed for local variations which resulted in a number of differences across the country. It also did not address two of the major safety risks in fatigue management and drug and alcohol management.

In February 2008 transport Ministers endorsed a new national transport policy framework and new reform agenda for the nation's transport system. In July 2008, transport Ministers requested that the National Transport Commission (NTC) prepare a regulatory impact statement for a single, national rail safety

regulatory and investigation framework. This would move Australia towards genuine national markets and seamless regulation for transport.

In May 2009 transport Ministers approved a regulatory impact statement which recommended a single national rail safety regulator and investigator be established. At the same time Ministers also agreed to establish a single national heavy vehicle regulator and maritime regulator.

When agreeing to establish the NRSR COAG stated that the following overarching objectives would apply to develop a body of uniform rail safety national law that:

- Supports a seamless national rail transport system;
- Does not reduce existing levels of rail safety;
- Streamlines regulatory arrangements and reduces the compliance burden for business; and
- Improves national productivity and reduces transport costs generally.

South Australia will host the NRSR and is currently hosting the Project Office that has been set up to establish the NRSR. The establishment of a NRSR is a historic step for rail safety in Australia.

Future situation

From 2013 with the establishment of the NRSR, Australia can expect the following:

- One piece of national law;
- One set of policies, processes and procedures for regulatory staff;
- One set of guidelines for industry;
- One database holding all rail safety occurrences; and
- One national regulatory database.

National Law

The National Model Rail Safety Bill and Regulations, previously approved by transport Ministers, were used as the starting point for development of the Rail Safety National Law (RSNL). The RSNL will be an applied laws scheme, rather than model law, as was previously the case. What this means is that the RSNL will be passed by South Australian Parliament, as the host jurisdiction, and then adopted and applied by the Parliaments of all other jurisdictions. In effect this means that the law of South Australia essentially becomes the law of each other state and territory.

The NRSR Project Office and National Transport Commission have worked closely with policy and regulator representatives from each jurisdiction, the Australasian Railway Association, the Association of Tourist and Heritage Rail Australia and the Rail Tram and Bus Union over the last year to develop the RSNL. The final draft RSNL is scheduled to be endorsed by transport Ministers in early November.

Once approved by Ministers, South Australia will pass the legislation in the first half of 2012. Each other jurisdiction will apply the law in the second half of 2012. This 'applied laws' model follows the precedent already set by earlier national reforms.

Policies, processes and procedures for regulatory staff

Rail safety regulatory activities such as accreditation, notification of variation, audits and inspections are common across all current regulators. In order to undertake these activities each regulator develops their own policies, processes and forms to reflect their own rail safety legislation, based on their interpretation of that law.

From 2013 regulatory services will be delivered by employees of the Office of the National Rail Safety Regulator (ONRSR) or state employees engaged to the NRSR through a service level agreement with jurisdictions.

No matter who delivers the regulatory services, the same national polices, processes and procedures will be adhered to. Training in the national policies, processes and procedures will be undertaken in late 2012.

Guidelines for industry

Consistent with the current requirement for regulators to develop their own polices and processes to reflect jurisdictions' legislation; separate guidelines for industry are also developed by regulators. Again, from 2013

industry will have one set of guidelines, based on the RSNL, to adhere to no matter where they operate in Australia.

Rail safety occurrence data

Credible and consistent data in relation to rail occurrences plays a critical role in relation to rail safety. Each regulator currently collates jurisdictional based data which is classified in accordance with Occurrence Classification - Guideline One that identifies 21 categories of occurrences. Currently, Regulators provide the ATSB with information on a small number of categories, (jurisdictionally based) which the ATSB publishes every six months. From 2013 the NRSR will be advised of all rail occurrences in Australia and will provide this raw data to the ATSB, which will host a national master data set in rail. More information is available in the part of this paper concerned with the ATSB.

National regulatory database

Each regulator currently holds regulatory information (details of the accredited party, conditions of accreditation, audit and inspections outcomes, compliance information etc) for all accredited parties in their jurisdiction. This means for some operators that information about their operations is spread across up to seven data bases, with no holistic view of their operations available to any regulator. From 2013 this information will be collected and maintained by the NRSR, providing one set of information about accredited operators. It will be accessible to rail safety officers around the country.

How this will work

The Office of NRSR will be established as a separate body corporate with a national office in Adelaide and regional offices in Perth, Brisbane, Sydney and Melbourne and a regulatory presence in Tasmania and Darwin. The ONRSR will have the functions:

(a) to administer, audit and review the accreditation regime;

(b) to work with rail transport operators, rail safety workers, and others involved in railway operations, to improve rail safety nationally;

(c) to conduct research, collect and publish information relating to rail safety;

(d) to provide, or facilitate the provision of, advice, education and training in relation to rail safety;

(e) to monitor, investigate and enforce compliance with the Law

(f) at the request of the Commonwealth or a State or Territory – to carry out any other function as agreed between the ONRSR and the jurisdiction making the request.

In performing its functions, the ONRSR must:

(a) facilitate the safe operations of rail transport in Australia; and

(b) exhibit independence, rigour and excellence in carrying out its regulatory functions; and

(c) promote safety and safety improvement as a fundamental objective in the delivery of rail transport in Australia.

The head of the ONRSR will commence in mid 2012, after being appointed by the relevant Ministers, and will lead the body corporate with the support of two part-time non-executives and national managers for operations, corporate services and policy. While appointed in mid 2012 the NRSR will not have any legislative powers in relation to rail safety until 2013 when the applied laws are enacted. The national office will lead and coordinate the following rail regulatory activities which will be delivered locally by regional offices:

- Accreditations & variations
- Notifications (change advices)
- National audit program
- Targeted inspection program
- Decision Review
- Regulatory risk management / profiling
- Coordination of work programs
- Data Reporting and Analysis
- Develop operational policy
- Drug & alcohol testing
- Provide specialist legal advice
- Safety Promotion
- Research
- Ministerial Liaison

- Industry liaison
- Review & monitoring
- Monitor the implementation of independent safety investigation
- Input into legislation development
- Annual Reporting
- Media and communications

Benefits of change

As mentioned previously this is a historic event for rail safety in Australian. The establishment of the NRSR will provide a single point of contact, the Office of the National Rail Safety Regulator, for rail operators about rail safety matters. It is important to note that not all communications and contact will be via the head office in Adelaide. Regional managers will have the delegation to undertake the day-to-day regulatory activities and their understanding of the local industry and relationships with operators and unions will continue to play a vital role from 2013.

As mentioned previously key benefits that will be achieved with the establishment of the NRSR will be one piece of national law, one set of policies, processes and procedures to be applied by regulatory staff, one set of guidelines for industry and one central point for the collection of regulatory and rail safety occurrence data.

Another key benefit is the strong support of industry and the union for the NRSR, evidenced by the willingness of railway operators and the RTBU to allow staff participation in advisory groups to support the development process. Using advisory groups ensures all stakeholder positions are considered in undertaking this reform and the best outcomes are achieved.

Challenges arising from the change

Put simply there is a lot to do in a short period of time. Gaining transport Ministers' approval of the draft RSNL will be a significant milestone, however there is a significant amount of work to be done. Establishing the body corporate, establishing the conditions of employment for staff of the NRSR, fitting out offices, developing all internal business policies and processes, developing all polices and process for regulatory activities, development of required databases, finalisation of service level agreements, a cost recovery model and training all need to be completed prior to 2013. All of these projects are currently on track to be completed with significant input from industry, union, current regulators and jurisdictions' policy representatives.

As with all major reforms there is an associated challenge to bring everyone along and keep everyone informed of progress and how they may be affected. The NRSR Project Office has been working closely with stakeholders on this and recently undertook information sessions with regulatory staff around the country. Information and progress is also available on the website www.nrsrproject.sa.gov.au for all interested parties.

RAIL SAFETY INVESTIGATION

What is a safety investigator?

In addition to the seven regulators, Australia also has three independent 'no blame' safety investigators: the ATSB, which investigates in aviation, maritime and rail; the Chief Investigator, Transport Safety Victoria, who investigates in rail, maritime and buses; and the Office of Transport Safety Investigations in New South Wales, which investigates in rail, ferries and buses. In the remaining jurisdictions (three mainland states, Tasmania and the territories) investigations are initiated by the regulator or others within the local department of transport.

Historically, the ATSB and its predecessors have investigated accidents and incidents in aviation and maritime since the mid- and late twentieth century respectively.

When the ATSB was created in 1999 from the merger of separate aviation and maritime investigation bodies, a fledgling rail investigation capability was also established. However it wasn't until 2003, when the ATSB's legislation was expanded to include rail, that the organisation began investigating rail accidents full time.

At the time that the Commonwealth expanded the ATSB's legislation to include rail, the ATSB suggested to state governments it undertake investigations across Australia in accordance with the reach of its legislation. At that time, States requested that the ATSB focus on the interstate rail network.

Subsequently, state governments in New South Wales and Victoria established independent investigation bodies for the intrastate track in their states. In remaining jurisdictions, state and territory regulators were given powers to commission 'independent' investigations. This was implemented by those jurisdictions on the basis that they had neither the resources nor a level of rail activity to justify a standing capability in safety investigation.

The ATSB's function is to improve safety in the aviation, marine and rail modes of transport through:

- safety data recording, analysis and research;
- independent investigation of transport accidents and other safety occurrences;
- identifying factors that might affect or contribute to safety; and
- fostering safety awareness, knowledge and action.

The ATSB's primary function is conducting no-blame safety investigations, in accordance with the provisions of the Commonwealth *Transport Safety Investigation Act 2003* (TSI Act). These investigations identify the underlying safety issues for the purpose of preventing recurrences. If accidents and other occurrences are the result of systemic error or deficiencies, it is essential to find out what these are and make them public so that others may learn from them.

An investigation conducted by the ATSB under the TSI Act is independent of other interests, whether commercial, regulatory or political. The investigation is no-blame in conduct and outcome: the ATSB is prohibited from apportioning blame, supporting findings of liability or assisting in court proceedings. This arrangement encourages the reporting of safety matters as well as cooperation with an investigation.

An important feature of the TSI Act is the balance between strong powers to obtain investigation evidence and the equally strong protection given to information acquired through investigations. There is also a requirement for open reporting of investigation findings which ensures the results of an investigation are disseminated widely with the aim of improving transport safety. The TSI Act is supported by regulations and comprehensive policies and procedures, all designed to ensure high quality safety improvement outputs.

The value of a no-blame safety investigator

In industries where the potential exists for catastrophic accidents, governments have recognised a role for independent investigations to identify and promulgate important safety lessons in a blame-free way.

Safety regulation is a general expectation of society. The public expects that industries will be regulated and individuals (and entities) be held accountable for failures to comply with agreed rules and standards. These rules and standards are focussed on the management of safety risk.

However, regulation alone may not prevent a recurrence of unsafe events such as accidents. The concept of the safety investigation – and the role of the investigator – reflects the need for external scrutiny of the system of safety with an eye to detecting untreated or unobserved systemic issues.

Internationally, the trend towards no-blame investigations has been under way for forty years. Almost all developed countries have, or are progressively moving toward, no-blame safety investigation regimes.

Future situation

Australia's no-blame safety investigation regime for rail is currently fragmented, and its coverage incomplete. The areas for improvement include:

- A consistent and unified independent safety investigation capability across the entire network, not just parts of the track and some states; and
- Arrangements among existing investigation agencies to maximise resource sharing.

In December 2009, the Council of Australian Governments, which comprises the Prime Minister of Australia, state Premiers and territory Chief Ministers, decided there would be a national rail safety investigator. This would take the form of an enhanced ATSB, to be developed in negotiation with states and territories.

From 2013, with the creation of a national investigator in parallel with a national regulator, Australia can expect the following:

- An independent safety improvement body with a focus on rigorous investigation of accidents and safety occurrences and the discovery of undetected or underestimated safety risks;

- Investigations conducted in accordance with the ATSB's internationally recognised methodology, policies and procedures and under a single legal framework: the *Transport Safety Investigation Act 2003*;
- As a result of national management and coordination, there will be a larger number of investigations, across a greater range of safety matters, including ones that haven't previously been investigated;
- A larger number of specialist rail investigators throughout Australia, supported by the established human factors, technical and training expertise and infrastructure that is part of the ATSB's current capability;
- A consistent national rail safety occurrence data set for the first time; and
- A national confidential reporting scheme in rail for the first time.

These individual changes will result in adjustments to the ATSB's operations. More detail about key aspects of this reform follows.

National investigation capacity

From 2013, all rail safety investigations will be undertaken under the framework of the TSI Act, which will make the ATSB accountable for the conduct and quality of safety investigations.

Greater investigator capacity will be required across Australia in order to provide additional investigatory services. The ATSB will draw on the expertise of existing investigators from New South Wales and Victoria. This arrangement enables the two states to maintain their existing multi-modal bodies but offers state investigators wider exposure, greater training and technical support and the chance to investigate matters outside their home states. In addition, the ATSB will expand its existing rail capacity in the other states, which will fund ATSB activity on an investigation-by-investigation basis.

Most of the ATSB's recruitment of investigators will occur in the 2012-13 financial year (including additional human factors expertise) but a small cadre of investigators will be recruited from January 2012 to spread the impact on existing agency staff and ensure that normal outputs can be maintained. This intake will have their training fast-tracked where possible so they can assist with the induction of the next intake.

National rail safety data set

From 2013, it is also intended that the ATSB will host a national master data set in rail. The ATSB already plays this role in aviation and intends shortly to make available parts of the aviation master data set to the public.

Currently in Australia, with seven regulators storing their data separately there is little in the way of a national data set. The only national data available is for 6 categories of occurrence types, plus fatalities and serious injuries. The ATSB publishes this data twice a year, generally with a delay of 3 – 4 months while the data is collected, checked and reviewed. The data is aggregated by state and territory.

From 2013, the ATSB will be able to make more rail safety data available to the public. Using the master data set in rail, the ATSB will provide sound analysis and report on the health of the industry. Analysis will be possible across types of railway operations for the first time. ATSB is also working with industry to determine whether the ATSB can assist industry as a third-party host for industry data.

To support this data function and inform its investigation task, the ATSB will have access to all rail safety occurrence information from across Australia from 2013. This contrasts with the present situation, in which the state rail safety regulators are only required to notify the ATSB of certain major occurrences.

The result is that the ATSB may not be learning of some matters worth investigating. Equally, it is hindered in its capacity to understand safety trends and accident precursors in the system and is therefore unable to select and target its investigations optimally. This risk will be overcome once the national rail safety investigator commences operation in January 2013.

Confidential reporting

The ATSB is working to introduce a confidential reporting scheme in rail. Such schemes play an important role in gathering safety information for the purpose of hazard and risk identification. They work in conjunction with other information collection systems including mandatory reporting, safety investigations, and audit and compliance related activities, to create a complete picture of the health of a safety system.

Confidential reporting captures information the other systems sometimes cannot because it protects the reporter's identity. In this environment, the reporter may feel more confident about coming forward with safety concerns where they may otherwise be worried about relationships with employers, work colleagues

and others in the industry. Unsafe procedures, practices and conditions may come to light, which otherwise would have remained unknown to authorities.

Confidential reporting does not replace other forms of hazard and risk identification such as mandatory reporting. It seeks to pick up information that other systems may not capture and integrate the data. Further, where organisations like the ATSB operate confidential reporting their sole focus is not on trying to improve safety within one organisation. Their overarching objective is to disseminate the safety information to all industry operators (while protecting identities) so that knowledge about how risks and hazards may eventuate, and be resolved, becomes shared knowledge.

Fostering safety awareness

Fostering safety awareness is one of the core components of the ATSB's role. This responsibility consists not only of releasing and publishing rail, marine and aviation safety investigation and research reports, but also summaries of safety action and safety recommendations. In addition, the ATSB facilitates public communication and media activities, and maintains the ATSB website. Through its information dissemination, the ATSB aims to facilitate industry and public safety awareness, knowledge, and action.

In March 2010, the ATSB engaged research consultants to undertake research with its key industry stakeholders and members of the community. The research informed the development of a comprehensive communication and education strategy to help the ATSB meet the requirements detailed in the TSI Act and the ATSB's Statement of Intent. These stipulate that the ATSB must communicate any factors that contribute to transport safety accidents and other safety occurrences to the transport industry and the general public.

Benefits of change

The benefits of the creation of a national rail safety investigator are numerous:

- A comprehensive national rail safety regime, comprising a national regulator and investigator, each operating under its respective national law;
- Enhanced investigative capacity, including the investigation of serious rail safety matters which are currently not independently investigated in a 'no-blame' framework;
- A safety improvement body with a strong education and promotion focus;
- The opportunity to add further value to rail safety once a rich national data set becomes available for the first time; and
- A consistent experience for industry in the conduct of investigations.

A national investigation body can do a number of things that individual bodies with fragmented coverage cannot do. The national safety investigator will play a pro-active improvement role for the safety system as a whole, which to date has not been possible on a national basis in Australia. This role does not usurp the regulator; a national regulator will be a strong advocate for safe railway operations across the country, while the investigator has an explicit focus on safety improvement through investigation, research and education. A national investigator in rail offers an unparalleled opportunity for Australia to acquire a credible safety expert that does not cast blame or liability.

One of the most exciting developments in relation to the national investigator is the development of a rich rail safety occurrence data set for the first time. The ATSB is already the keeper of the national record for all reported aviation occurrences, including accidents, serious incidents and incidents. The reporting of aviation occurrences is required across all aviation sectors, including aircraft registered with recreational aviation associations. For this reason, the ATSB has been able to generate more comprehensive aviation occurrence statistics than in rail and marine.

Challenges arising from the change

The ATSB has found four main challenges in creating and implementing the national rail safety investigator.

Firstly, all of Australia's transport safety investigators are multi-modal, but the government decision related only to rail. When government initially looked at the question of a national rail safety investigator, the NTC suggested that enhancing the ATSB's rail investigation capability would be the first step in an improved national rail safety investigation framework. An enhanced ATSB creates a practical platform for a single,

national rail safety investigator but ultimately, NTC suggested that governments should consider a national safety investigator across all transport modes.

So the first challenge was to tailor a modal decision to multi-modal agencies. It was apparent to all concerned in the Commonwealth, New South Wales and Victoria that extracting rail investigators from the multi-modal bodies in the two states would be difficult, because it would leave small and unviable organisations but also because the investigators in those states do not specialise in one mode. Due to the small size of the state organisations (7 and 11 employees compared with more than 115 ATSB employees) their investigators work across all the modes.

Separately, the ATSB has been working with states and territories to secure agreement to a national maritime safety investigator. It is envisaged that the benefits long-enjoyed by aviation passengers, employees and the industry of a national "no blame" safety investigator that is entirely separate from transport regulators, policy makers and service providers, can be extended more fully to the rail and maritime industries.

The second challenge is one of promoting the benefits of safety investigation to the states who are being asked to pay for it routinely for the first time. States had previously asked in 2003 that they retain control over investigations on intrastate track in their jurisdictions. The states of Queensland, South Australia, Western Australia and Tasmania have historically not had the rail activity to justify establishing their own independent investigator, and therefore were not equipped to routinely carry out no-blame safety investigations.

Such no-blame safety investigation is not the same as regulatory investigation; the latter is a task undertaken by all state governments routinely as it has been recognised nation-wide as necessary. The former is not undertaken routinely, and the ATSB faces a challenge that officials in states without investigators needed assistance within their own governments to promote the benefits of safety investigations so as to secure new or additional funding.

The third challenge is to explain the respective roles of operators and government in relation to investigations. Even in aviation, where the ATSB's activities are most mature, there is sometimes confusion about the difference between the safety regulator and the ATSB. This confusion exists for some parts of industry and commonly in the media.

In rail, where no-blame safety investigation is not as mature, industry already has responsibility to investigate occurrences, and parts of industry have no knowledge of the ATSB or its role and functions, the challenge is even greater.

In relation to rail, there are and will continue to be four entities with roles in investigations:

- the national investigator (ATSB);
- State investigation agencies (OTSI and CITSV);
- The national regulator; and
- Industry operators.

From 2013, state investigation agencies will continue to exist and may investigate some rail occurrences under their own powers. Officials from the state governments of New South Wales and Victoria have opted for state regulation and investigation for their metropolitan tram or light rail systems. There is also a slim possibility that the national investigator and the state investigation agencies may disagree on whether something should be investigated; if that occurs and the state investigation agency thinks something is worth pursuing they will do so under state legislation. Officials do not expect this situation to arise as investigators in the national and state bodies will all be privy to the same, richer data set and knowledge of local sensitivities. The retention of the existing investigation agencies gives officials comfort that there will be no diminution in the investigation service provided to the states.

The national regulator, along with the state regulation bodies with which it will be entering into service level agreements, undertake a wide range of activities in the course of assuring compliance. Investigations by the regulator and by the operator at the former's direction are a part of the wider regulatory task. Some of the differences between what regulators and operators do, compared with the activities of safety investigators, include:

1. Operators will generally investigate most if not all of their occurrences. Safety investigators choose those occurrences in which there are the greatest safety benefits to be gained from investigating and are likely to do so to a greater depth.

2. Operator investigations are conducted by employees, consultants or parties otherwise engaged by the operator, whereas safety investigations are always conducted by an independent body at arm's length.
3. The reports of safety investigations are made public, whereas operators provide the regulator with their investigation report. Some operators may also be required to provide their reports to other parties, but not usually with the intention of the safety lessons within those reports being made public.
4. Operator investigations are generally conducted quickly, whereas safety investigations, which are systemic by nature, take longer to ensure there is sufficient time for analysing the underlying factors which may have contributed to the occurrence.

There are a variety of end uses for investigations undertaken for rail safety purposes. While a regulator concentrates on assuring safety compliance and an operator manages safety risk, a national investigator reviews the overall safety system for deficiencies. The investigations which these bodies undertake are therefore put to different uses, including risk management, identifying improvements to risk controls, compliance purposes, prosecution or conversely, encouraging industry improvement without the threat of sanction.

There is an ideal state for a safety investigator, and the ATSB is closest in aviation to fulfilling all three of its safety improvement functions (independent investigation; safety data recording, analysis and research; and fostering safety awareness, knowledge and action). In rail there will be changes as the organisation is recast to take on all three functions. The ATSB faces an internal challenge as it reorganises itself around these roles in rail.

When an organisation only has a partial jurisdiction it cannot effectively take on a national leadership role. It can, as the ATSB and its state counterparts currently do, fulfil its direct investigation responsibilities very well, but it cannot do the remaining functions of safety data recording, analysis and research; and fostering safety awareness, knowledge and action, comprehensively.

The ATSB requires new capabilities in data, research and safety promotion; more staff; training tailored to rail and maritime and new internal arrangements as its role as a safety improver grows. The ATSB has already demonstrated its ability to grow and change with its change to an independent Commission structure in 2009, and more recently the introduction of smaller level 5 factual investigations in rail and maritime.

CONCLUSION

Since December 2009, the National Rail Safety Regulator Project Office and the Australian Transport Safety Bureau have been in discussions with state and territory governments ahead of the introduction of a national rail safety regulator and investigator.

Establishment of the NRSR is a progressive step for rail safety in Australia. Both government and industry will benefit from the establishment and application of consistent legislation, policies, procedures and processes. The NRSR Project Office will continue to work with stakeholders to ensure an efficient and effective regulator is operational from January 2013.

As the expansion of the ATSB's role as national investigator will be funded by states, officials have a keen interest in matters such as the role of State Ministers and accountability for resources provided. As these negotiations continue, the ATSB is also beginning to focus on the challenges posed by a jurisdiction that is much greater than its current mandate. There will be an expansion in investigator numbers and an awareness campaign for those parts of industry new to no-blame safety investigators.

This national reform is a significant development for the Australian rail industry and shows Governments' commitment to rail safety.

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