



RTBU

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**National Transport Commission – Rail Safety
National Law**
Consultation Regulatory Impact Analysis

**Submission of the Australian Rail, Tram & Bus
Industry Union**

Australian Rail, Tram & Bus Industry Union **The Power of Union**

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About the Australian Rail, Tram & Bus Industry Union

The Australian Rail, Tram & Bus Industry Union (**RTBU**) was created in 1993 through the amalgamation of four of Australia's oldest unions:

- the Australian Railways Union (ARU);
- the Australian Federated Union of Locomotive Enginemen (AFULE);
- the National Union of Railway Workers (NURWA); and
- the Australian Tramway and Motor Omnibus Employees Association (ATMOEA).

Our story, however, begins much earlier. In 1861, locomotive drivers in Victoria established the first rail union, laying the foundations for collectivism in an expanding industry. As railways grew, and colonies built towards federation, so too did working people, coming together to form national associations.

Now in our 165th year, our union stands by the ambitions that drove Australians to federation in 1901, a national railway network.

With 35,000 members across the rail, tram and bus industry, the RTBU is an industry union that represents every worker across these networks regardless of occupation. We carry forward a proud legacy of those who helped build, operate and maintain one of the world's largest and most complex transport systems.

Introduction

The Australian Rail, Tram & Bus Industry Union (**RTBU**) represents the voices of over 35,000 transport workers nationally, who keep our communities connected. Within the context of rail, our members operate essential rail and tram services that deliver goods and get people where they need to go. RTBU members are the backbone of public transport and freight systems.

We welcome the opportunity to make a submission to the key law governing the work of our membership.

Australia deserves a world-class, safe railway system. The Rail Safety National Law (RSNL) came into effect to meet this objective and optimise safety outcomes. Yet, more than a decade on, the law's shortcomings mean key safety indicators are moving in the wrong direction. Despite a concerted effort across the industry to address derailments, level-crossing, and near hits, these incidents remain prevalent, with concerns that the true number of injuries is much higher than reported due to limited transparency.

Concerned about the safety of workers and the broader rail network, the union requested a review of the RSNL to provide clarity for those operating under it on the purpose, obligations and engagement framework. We believe that the objectives of the law would be improved by:

- Providing greater oversight of the Regulator's activities
- Embedding a commitment to consultation that will improve decision-making
- Mandating a minimum standard for all operators, which is enforced
- Defining the circumstances under which the RSNL and Work Health Safety laws apply
- Establishing open reporting requirements when responding to safety incidents that allow the industry to learn and mitigate risks.

Meaningful improvements would ensure that the RSNL was fit for purpose and strengthen our rail system so that it is safe for the future. It is this perspective that guides our submission and informs the preferred options for legislative reform, put forward by the National Transport Commission (the Commission) through the consultation Regulatory Impact Analysis (C-RIS).

From the outset, we caution the Commission against directing the reforms of the RSNL toward efficiency outcomes at the expense of safety. Given that rail is widely recognised as the safest mode of transport in Australia, we must uphold safety as the central objective of the law. Instead, we consider that the review presents an opportunity for the Commission to draw on well-established legislative frameworks that have proven effective in enhancing safety outcomes. Greater alignment with the Work, Health and Safety Act, along with recognition and engagement of Health and Safety Representatives, who perform critical frontline safety functions, would support this objective.

Rail workers are at the heart of the network, and reform cannot be achieved without them. It is therefore our view that the best safety outcomes can only be delivered through collaboration between workers and their representatives, government and industry. A tripartite approach must be a guiding principle to support meaningful reform of the RSNL.

The following submission responds to the proposed options and elaborates on key and relevant questions, providing insight into our position.

Policy options for reform

1. Interoperability Options

1.1. Recommendation 1

Preferred Option:

Option 1: *Introduction of a ministerial statement directing the Regulator to consider safety across the whole network - include harmonisation as a consideration to reduce differences and thereby improve productivity.*

This could be achieved by ministers issuing a Statement of Expectations to the Regulator, requiring annual reporting on initiatives to improve rail productivity through harmonisation as part of its safety and productivity improvement plan.

The RTBU acknowledges that the Federal Government, in its second term, is focused on building a more productive and resilient Australian economy. Recommendation 1 of the Rail Safety National Law Review (Review) reflects this intended objective. This, we believe, was a minor part in a broader review of the law, but it has taken centre stage in the current analysis. The word "productivity" is used more than 70 times in the analysis, but it is not defined or specified at what level it will be pursued. It is unclear whether reference to productivity is of individual rail safety workers, individual operators, the rail industry as a whole or the Australian economy. In our experience, productivity has been equated to cutting costs, jobs and engagement with workers. As such, the RTBU could not support an option that sought to legislate the inclusion of "productivity" or "efficiency" if this is its intended purpose. It is our view that the safety of the network is the core objective of the law, and at no point should this objective be compromised.

Notwithstanding this, if there is a view to legislate productivity, this must be clearly articulated as economy-wide productivity, and not operator-level efficiency. This distinction matters. For example, in Western Australia, where its freight task is long-haul and export-driven, a decision made by an operator to concentrate activity in fewer depots or reduce regional presence might appear efficient, but the decision could undermine broader economic growth and regional development. As illustrated by the Treasurer, Jim Chalmers, productivity should not be at the cost of higher unemployment, but about making our economy more dynamic, competitive and resilient¹. As such, it should be measured by the benefits it creates for everyone.

To date, conversations around productivity have focused on economic measures, which tend to be out of step with what happens in practice in the workplace. It is critical, then, that workers and the union are engaged in the discussion of productivity.

¹Chalmers, J., 2024 November 13, Building a New Economy on Five Pillars of Productivity, <https://jimchalmers.org/latest-news/speeches/building-a-new-economy-on-five-pillars-of-productivity/>

Again, if there is a view to legislate productivity, such reforms should be subject to formal review. It is therefore appropriate for these amendments to undergo a statutory review after 5 years and to be aligned with a new National Rail Action Plan to ensure that productivity outcomes are achieved.

1.2. Recommendation 2

Preferred Option:

Option 1: *Introduction of a ministerial statement directing the Regulator to undertake a coordination or facilitation role to deliver safety and productivity benefits.*

This could be achieved by ministers issuing a Statement of Expectations to the Regulator, requiring annual reporting on the Regulator's delivery of identified initiatives as part of its safety and productivity improvement program.

The RTBU cautions against legislating any language of “productivity” without a clear understanding of the level at which productivity is being pursued. Without this clarity, there is a real risk that reforms justified in the name of productivity simply become mechanisms of labour cost reduction, or streamlining at the operator level, producing a neutral or negative outcome for the economy. Relay-van operating models illustrate this risk. If interoperability is guided by operator productivity, port-to-port running without crew changes could become the new norm, particularly along the inland rail corridors. While it may deliver marginal efficiency gains for individual operators, it comes at the expense of regional depots, constraining manufacturing pathways, which are critical activities to keeping our regional communities thriving. The result is not national productivity but regional contraction and centralised economic outcomes, which we believe are contrary to the law’s purpose of serving the Australian public.

Last year, Transport Ministers agreed to prioritise interoperability of the rail network. This was done through a Ministerial statement. This directive signalled a sector-wide commitment to collaboration, aimed at ending fragmentation and delivering a fully connected national rail network. Therefore, Option 1 is sufficient to ensure the sector and government remain committed to the long-term objective of interoperability.

Given the fragmentation of the network, we also understand that there is no immediate solution to delivering interoperability. It will require sustained engagement that extends beyond electoral or budgetary cycles. While governments may change over time, rail workers remain a constant presence within the system. As such, workers are uniquely positioned to help drive the long-term agenda towards interoperability. They are experts in the work they do and understand the practical application of the network. As such, a new class of ‘rail safety officers’ as described in *Question 8* would be unnecessary, as Health Safety Representatives (HSRs) already perform critical frontline safety functions under Work Health and Safety legislation. Strengthening the recognition of HSR roles within the RSNL, in our view, would be more effective than introducing additional regulatory intermediaries.

The contribution of workers is imperative to advancing safety outcomes, alongside the ambition of interoperability. We reiterate that a tripartite approach involving workers, government and industry is essential to delivering this.

1.3. Recommendation 3

Preferred Option:

Option 2: *Add interoperability as a sub-part to the RSNL general safety duty that applies to RTOs. Include a requirement to comply with mandatory standards (tier 1) as approved by responsible ministers. This requirement to comply with mandatory standards would apply to operations on the NNI.*

ARISO as the industry standards entity would provide RTOs with support in the form of national technical guidance on consistent application of the mandatory standards.

The Union's preferred approach to delivering interoperability is through ongoing engagement between workers, government and industry. This ensures all parties are actively and equally involved in the development, implementation and outcomes of interoperability.

We urge the Government to adopt an ambitious network-wide approach to interoperability. The National Network for Interoperability interstate should not be narrowly confined to standard gauge corridors, as illustrated in Figure 1. A limited scope risks entrenching a two-tiered approach between NNI and non-NNI networks. To be effective, safety and harmonisation principles must be applied consistently across the entire network.

Safety must remain the central objective of the law and must not be compromised under any circumstances. Interoperability obligations are qualified by "as far as is reasonably practical" to ensure that it does not dilute safety.

The union strongly urges the government to avoid any option that seeks to impose standards without appropriate and meaningful consultation. Instead, we consider ARISO (formerly known as RISSB) to be the most appropriate body to develop prescriptive standards and guide the sector through implementation and change. While ARISO is well placed to perform this role, the body should be reconfigured to strengthen its focus on lifting safety standards. This must include worker representation throughout the Standard process, across the Board, Advisory, Development and Standing Committees and be well-resourced to fulfil this function.

Option 2 is the Union's preferred approach. However, further clarity is required regarding what Ministers will be asked to approve: whether it is a direction, regulation or, in our view, an ARISO recommendation.

1.4. Recommendation 16

Preferred Option:

Option 3: *Amend the RSNL to include interoperability as a secondary object.*

For instance, section 3(2) - Purpose, objects and guiding principles of Law.

A uniform rail network has long been a driver of federation and remains a longstanding national goal. Given this sustained commitment, it is appropriate that interoperability is embedded in the core principles of the nation's rail law.

In defining interoperability, the concept mustn't merely centre on the physical infrastructure of the network. Rather, our focus should be on harmonising rules and skills that complement the safety of the network.

Interoperability is essential to improving the safety of the rail network. Recognising it within the objects of the Act (3(2)) would further strengthen the law's primary focus on rail safety outcomes.

1.5. Recommendation 18

Preferred Option:

Option 2: *Amend the table of prescribed conditions and restrictions in the regulations of the RSNL to require notification of change to rail infrastructure and rolling stock, and have regard to the overall network as a national system.*

For instance, Part 2 – Accreditation 9 - Prescribed conditions and restrictions.

Decisions made behind closed doors and in isolation inhibit the industry's ability to achieve optimal safety outcomes. The lack of transparency in decisions made by those covered by the RSNL was a key driver of the Union's request to review the national law.

By requiring notification of changes, Option 2 aims to address transparency gaps in the law and ensures operators recognise and consider their role within an integrated transport network. In practice, this notification process would support a continuous flow of information between affected workers, government, and industry, working together to improve the rail network.

A key outcome of the RSNL review is to enhance transparency and accountability. Option 2 will ensure that communication consistently occurs, there is greater access to information, and that everyone is aware of their responsibilities, ultimately delivering on the key drivers of the reform sought.

1.6. Recommendation 19

Preferred Option: *Not supported*

The RTBU has serious concerns with the proposed approach to fulfil recommendation 19.

The recommendation, and subsequently its options, do not adequately define the extent of the technologies that could be mutually recognised; for example, does a tested technology refer to the rollout of rolling stock, or the use of artificial intelligence?

We are also concerned that mutual recognition of technologies will see technologies implemented without meaningful consultation with workers. Meaningful consultation is vital to effective risk management, improving both efficiency and safety. Without careful consideration, options may inadvertently undermine the intended benefits of recommendations 4, 6 and 11.

Furthermore, there is no clear assurance in any of the proposed options that technologies will be adequately assessed at the outset, creating a risk that design flaws are embedded across the network and lead to poor safety outcomes. It is our view that the proposed options could thus lead to a deterioration in the rail safety standards.

We believe that the recommendation requires further consideration, outside this body of work, to ensure it aligns with responsible engagement with technology, such as the National AI Plan.

1.7. Recommendation 20

Preferred Option:

Option 2: *Rec 20 (a-d) Pursue regulatory amendment to ensure transferrable skillsets are recognised and reduce existing potential for variance across jurisdictions by: strengthening the requirement to issue qualifications and units of competency where they exist, requiring the use of a national competency management register (containing competency information including inputs from competency management systems where they currently exist).*

Rec 20(e) Include mechanism for driving adoption of harmonised national safe working rules as part of tier 2 standards, rules and processes

Rec 20(f) Include national rail roles in the RSNL (eg encompassing roles such as train driver, train controller, signalling engineer as well as a range of maintenance roles).

The RSNL places a direct obligation on Rail Infrastructure Managers (RIMs) to ensure that only competent workers perform rail safety work on their networks. It requires that the competence of rail safety workers must be assessed in accordance with any qualifications and units of competence recognised under the Australian Qualifications Framework (AQF) that apply to the rail safety work. Despite this requirement, there is significant variability across the sector in how AQF units and qualifications are selected and applied within competency matrices for rail safety work roles. This lack of interoperability drives a monopoly over elements of training and delivers uneven safety outcomes across the industry. The variability in training also gives operators considerable control over the skills of workers, restricting their ability to move between work.

The union welcomes any amendment that supports workers' autonomy over their own sets of skills. Option 2 is preferred as it addresses key concerns relating to worker skills by improving workforce mobility and establishing a single database of rail worker skills. For a single national database to work effectively, it must encompass every rail role, from ganger to signal mechanical, driver to rail network controller, because every rail worker is critical to the safe operation of the network.

It is our view that the National Register must be entrusted to an independent government entity, with the necessary expertise to guarantee transparency and consistency underpinned by informed knowledge of the rail industry. It should not sit within an industry-controlled body.

Evidence from critical safety inquiries shows that training and competency frameworks, when managed by industry without independent oversight, have contributed to ongoing safety risks. The *Special Inquiry into the Waterfall Rail Accident* found that competency frameworks left to the industry to define and self-administer were systematically inadequate and contributed to the accident. It cited that “*there was no formal, structured and integrated process to identify training requirements...[That]... systems for holding managers accountable for safety performance were lacking*”, and even after the tragic events of Waterfall, no significant changes were made in the design or delivery of training to mitigate future safety risks.² It went on to further warn of the risks that come with industry bodies, in a co-regulatory environment, holding regulatory power and their capacity to effectively exercise this function³. Given that competencies are critical to mitigating safety risks, oversight of training cannot be left alone to the industry to determine.

To ensure greater oversight and keep pace with evolving skill needs, the National Register should also be publicly accessible and subject to regular review by the independent body.

It is our view that the knowledge needed to build this framework already exists within government. Reform should focus on better resourcing existing agencies to work collaboratively and deliver best practice. The current lack of consensus on roles could be resolved by convening stakeholders to define responsibilities and agree on best practices, providing a foundation for a harmonised framework.

2. Institutional governance reform options

2.1. Interoperability assessment of future investments

We all have a role to play in ensuring the future success of the rail sector. The RTBU believes that a single system is essential to the future of rail, one that is fast, secure and reliable.

We know that the best safety outcomes are achieved when there is strong collaboration among workers, government, and industry. As such, any national oversight body aimed at assessing future investments should embed a workers' voice amongst its stakeholders; network owners and RIMs.

² McNerney, P., 2005 January, Executive Summary, *Special Commission of Inquiry into Waterfall Rail Accident*, pp. x

³ McNerney, P., 2004 July 5, Chapter 2 Background, *Special Commission of Inquiry into Waterfall Rail Accident*, pp. 5

2.2. National standards development and adoption

Preferred Option:

Option 2: *Provision included in the RSNL to better facilitate national harmonised standards and network rules.*

Provision included in the RSNL to give more legal weight to nationally harmonised tier 2 standards, for example, by conferring on tier 2 standards a similar legal status to that already given to Codes of Practice in the RSNL. This would have the effect of making tier 2 standards admissible evidence in relation to what is known about risks and what is reasonably practicable in addressing them.

Duty holders would still be required to consider whether there are, as a question of fact, any safety hazards beyond those covered in the standard. Membership of ARISO to be included as a condition of rail safety accreditation.

Also refer to interoperability and productivity recommendations above.

Optional safety outcomes are achieved when everyone is operating to a consistent standard. Efforts should be made to lift operators to the same standards to support a consistent, fair and level approach to rail safety.

As outlined in our response to *Recommendation 3*, while we consider ARISO to be well placed to lead standard development and guide industry members through implementation and change, significant structural reform is required to strengthen its accountability and ensure standards align with best practice to deliver optimal safety outcomes. This will ensure that harmonisation is not used to dilute or circumvent established quality safety standards.

An worker voice must be embedded at every level of the decision-making process, alongside industry and government. Standards must be clearly written and subject to regular review to ensure ongoing effectiveness. The RTBU respectfully submits that this voice should be from the Union as a registered employee organisation and collective voice of workers within the impacted industry.

We recognise that harmonisation of standards is a long-term reform process requiring sustained engagement beyond electoral or budgetary cycles. To provide industry certainty to this commitment, legislative reform is necessary as outlined in Option 2, rather than a reliance on Ministerial direction.

2.3. Skills and competency oversight

Preferred Option:

Option 2: *Including a requirement in the RSNL for the use of a national competency register. Also refer to recommendation 20 above.*

A National Register of competencies is a simple but essential mechanism to ensure a consistent approach to rail skills across the sector. Without a legislative requirement to use the Register, operators will have little reason to harmonise skills, perpetuating the current limitations of workforce

mobility, and thus undermining the objectives of interoperability. It is for this reason that Option 2 is preferred.

To ensure adequate resourcing and transparency, the National Register should be managed by an independent government entity.

2.4. Rolling stock approval

Preferred Option:

Option 2: Provision included in the RSNL that creates a function to administer the mandatory standard on rolling stock approvals, coordinates applications and maintains a system (such as a rolling stock registration system) that facilitates mutual recognition of approvals. This could be assigned to an agency or industry body independent of RIMs, such as ARISO or non-RIM body.

Note: mandatory standard for rolling stock approvals will be subject to a separate impact assessment.

Repeated experience has shown that governments make decisions about rail infrastructure without worker input. The results have included unsafe work environments, trains that don't fit the network and accessibility issues for commuters. This inevitably increases costs for the government.

The Queensland New Generation Rollingstock (NGR) is a good illustration of what happens when stakeholders are excluded from decision-making. The NGR project delivered 75 new passenger trains for Southeast Queensland that failed to provide functionality to people living with a disability, neither complying with the Disability Standards for Accessible Public Transport or legislation. Furthermore, the new fleet was plagued with technical issues relating to braking, ventilation and sightlines for train drivers. The Forde Review found that inadequate consultation with stakeholders was a key factor in the delivery of poorly designed public transport infrastructure, resulting in costs of more than \$350 million.⁴⁵

To ensure rail infrastructure is fit for purpose, rolling stock approvals should be made at arm's length of government. At the same time, workers must be meaningfully engaged in rolling stock approvals to ensure infrastructure is designed in the way it is used. Strengthened oversight of rolling stock approvals by a body with appropriate technical skills, as proposed in Option 2, could negate future costs and reduce safety risks.

⁴Forde, M., 2018, Executive Summary, *New Generation Rollingstock Train Commission Inquiry*, pp iv – v. <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5618t1970/5618t1970.pdf>

⁵ Brook, B., 2018, December 11, *Bill to fix Queensland's botched new trains blows out to \$336 million*, News.com.au. <https://www.news.com.au/technology/innovation/bill-to-fix-queenslands-botched-new-trains-blows-out-to-336-million/news-story/e9c36ca982fa04831b210467fb2c820e>

3. Transparency and accountability options

3.1. Recommendation 4

Preferred Option:

Option 2: *Amend the RSNL to strengthen consultation requirements noting that any amendments will need to reflect the recent Supreme Court of NSW decision⁶ to align with and uphold the established case law. This may require demonstrating the quality of existing consultation requirements, rather than adding additional requirements.*

For instance, section 99 - Safety Management System.

The law is currently ambiguous in its expectations of consultation. The provisions are largely procedural rather than genuinely interactive, focusing on compliance steps rather than meaningful participation. This limitation makes it difficult to demonstrate when valuable consultation has taken place.

The RSNL must clearly articulate the approach operators are required to take to achieve meaningful consultation. This should, in our view, include outlining when consultation must occur, setting out the process to be followed, and requiring genuine consideration of workers' views so they have an opportunity to influence outcomes. Aligning the RSNL consultation requirements with the national Work Health and Safety Act (WHS) would provide a strong and more mature framework, as WHS consultation duties are supported by well-developed regulations, codes of practice and enforcement pathways. Such alignment would strengthen the capacity of workers and their representatives to raise safety concerns, allowing input without requiring significant expansion to the law itself (*Question 13*). *Recommendation 4* also affirms the important role that the union, as representatives of rail workers, has in effective consultation. It is on this basis that the union should be recognised as a key stakeholder in consultation.

To give effect to the true intent of the recommendation and to strengthen consultation practices, reform must set a higher standard that reflects best practice. This can only be achieved by prescribing clear and enforceable expectations into the RSNL, rather than relying on guidance alone. Strengthening consultation should ensure that best practice is not optional or avoidable. It is for these reasons that Option 2 is the preferred approach.

The concept of 'meaningful consultation' is well developed with WHS codes of practice and provides practical guidance on how consultation should occur. These materials emphasise that consultation does not require agreement but should aim toward collaborative resolution wherever possible. Again, aligning the RSNL consultation requirements with the well-recognised WHS consultation principles would provide clarity on how 'meaningful consultation' could be applied (*Question 14*).

⁶ Aurizon Operations Limited v Australian Rail Tram and Bus Industry Union NSW Branch; The Office of the National Rail Safety Regulator v Australian Rail Tram and Bus Industry Union NSW Branch [2024] NSWCA 24 <https://jade.io/article/1063026>

3.2. Recommendation 6

Preferred Option:

Option 2: *Amend the RSNL to include a positive obligation on RTOs to demonstrate that all rail safety workers (employees and contractors) are competent in the carrying out of rail safety work*

For instance, section 52 - Duties of Rail Transport Operators.

Everyone has a role in meeting the requirements of an SMS. Thus, all parties to the SMS, including workers, should have access to the information necessary to fulfil their obligations.

Section 99(3) and 102 of the RSNL, require an annual review of an SMS, in consultation with affected persons. In practice this obligation is rarely met, and when it is, often occurs without the knowledge or involvement of the workforce.

Option 2 provides for the establishment of a positive duty which would give effect to, and ensure compliance with, meaningful consultation. Establishing a positive duty on RTOs to demonstrate that workers understand the SMS will promote information sharing, enhance transparency, and support meaningful consultation. For this reason, Option 2 is preferred.

3.3. Recommendation 11

Preferred Option:

Option 2: *Amend the RSNL confidentiality provisions to allow information sharing between the Regulator and industry. Where there is a safety benefit, give ONRSR the power to share information. Note the intention is to allow the Regulator to share information as appropriate, and not introduce a broad proactive obligation.*

For instance, section 244 - Confidentiality of Information (currently being interpreted broadly).

The confidentiality provisions in the current law represent a major shortcoming. At present, the Regulator provides the industry with an annual de-identified summary of safety issues. The most recent update was in September 2025. The report does not indicate what actions have been taken to address the identified safety issues. Furthermore, when Freedom of Information requests are made to understand decisions, we have found that extensive claims of privilege are often relied upon, rendering the exercise redundant and preventing any meaningful learning from the information. The current approach limits transparency and reduces the industry's ability to learn from safety incidents in a timely way.

The timely and transparent sharing of information following safety incidents is critical to risk mitigation and supports continuous safety improvements across the network. As such, the Regulator should be empowered to share detailed information about incidents with stakeholders to support optimal safety outcomes across the network. To provide clarity and consistency, the law should

prescribe the extent of the information that should be shared and the timeframe within which the information should be communicated.

Recent WHS legislative developments have demonstrated the value of mandatory reporting and proactive information sharing by regulators, including the publication of health and safety data and monitoring outcomes. A similar approach could be taken within the RSNL, providing regular reporting on industry trends, anonymised investigation findings, prosecution outcomes, interoperability risks, SMS non-compliance themes and lessons learned (*Question 16*).

Option 2 is the preferred approach, as it promotes consistent information sharing across the network, eliminating gaps in the information. It reflects the principle that safety improvements arise from collective learning rather than restricted access to safety intelligence.

3.4. Recommendation 22

Preferred Option:

Option 3: Introduce a power for the Regulator to be able to ensure interface agreements are in place, including the power to impose and direct amendments to interface agreements.

For instance, add to the powers set out in section 52 - Duties of Rail Transport Operators, noting the power to apply penalties in cases of non-compliance (see section 110(4)). This would significantly increase the potential penalties that apply from a maximum penalty under the provisions related to interface coordination of \$500,000 (section 107) to a maximum penalty for non-compliance with a safety duty of \$3 million.

Amend the RSNL to impose requirements on road managers, enabling the Regulator to exercise greater enforcement powers, including the ability to compel road managers to take action.

Interface agreements reflect a shared responsibility between managers to mitigate safety risks. They are essential to the engagement between rail and road managers, particularly at level crossings. Beyond the obvious road managers, we've found that other interfacing organisations, such as construction corporations working along rail corridors, are averse to engaging with RIMs about their activities, heightening the risk of harm.

The union supports Options that enable the industry to amend agreements when deficiencies are identified. This will ensure agreements are effective, current and continuously improved to keep our network safe. This could be strengthened by imposing principles of 'dial before you dig', on road managers and other interfacing organisations, supporting a culture of strong communication and transparency amongst managers. Simply put, an organisation working within 50 metres of an active rail corridor should be required to notify an RIM of any construction or activities taking place, so as not to pose a risk to the integrity of the railway.

The union supports measures that strengthen protections and mitigate safety risks for workers.

Further comments

We often hear reports that operators blur obligations between RSNL and the model WHS laws. The RSNL review acknowledged this disconnect, but stopped short of recommending legislative reform to clearly delineate the respective roles of each framework. This, we believe, is a missed opportunity to deliver better safety outcomes across the network.

ONRSR, to its credit, has made efforts to bridge the gap through guidelines, but this alone has proven insufficient. Clear direction is needed to resolve these inconsistencies. Consideration should be given to clarifying the objects and guiding principles of the RSNL, articulating its relationship with WHS legislation. This could be strengthened by a provision that confirms that the RSNL operates alongside and defers to WHS legislation where inconsistencies arise (*Question 4*).

Conclusion

The RTBU is committed to strengthening our rail system, ensuring that it is fit for purpose and safe for the future. It is our view that meaningful improvements are essential to shifting the trajectory of rail safety across Australia.

The RTBU again thanks the Commission for the opportunity to make this submission and welcomes further opportunities to provide feedback on the development of the reforms into law.

Yours sincerely,



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