

# Guideline

## Annual activity statement

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### Guideline changes to version 2.1

- > Format review

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## 1. Purpose

The purpose of this document is to provide guidance to registered rail infrastructure managers on the preparation and submission of the Annual Activity Statement (AAS).

This document should be read in conjunction with the relevant Office of National Rail Safety Regulator (ONRSR) documents:

- > Private Siding Registration Policy
- > Annual Activity Statement form

## 2. Background

The AAS is designed to inform the ONRSR of the activities undertaken in private sidings. It is particularly designed to identify any change in the risk profile of the private siding, or identify activities that indicate that registration is no longer appropriate, or the requirements of registration are not being achieved. It is used in conjunction with other compliance and enforcement activities, such as compliance inspections, to enable the ONRSR to maintain oversight of the safety of railway operations and compliance with the *Rail Safety National Law (SA) 2012* (RSNL).

## 3. Definitions

Definitions provided by the RSNL and the *Rail Safety National Law National Regulations 2012* (National Regulations) apply within this guideline.

- > **RSNL** – means the *Rail Safety National Law* which has been enacted as a Schedule to the *Rail Safety National Law (South Australia) Act 2012 (SA)* as it applies in each state and territory.
- > **National Regulations** – means the *Rail Safety National Law National Regulations 2012*.

Where terms are not defined within the legislation or regulations the *Macquarie Dictionary* definition applies.

Use of the word 'should' indicates a recommendation of the ONRSR. However, the rail transport operator is free to follow a different course of action provided it complies with the legislation. Use of the word 'must' indicates a legal requirement where compliance is necessary.

## 4. Legislative framework

Registration is an exemption to the requirement to be accredited, but still carries risk management and other requirements. As a rail transport operator, registered persons have safety duties to reduce risk so far as is reasonably practicable (s46-47 and s52).

Any person registered as the rail infrastructure manager of one or more private sidings is also subject to the legal requirements set out in Part 3, Division 5 of the RSNL. In particular s85 sets out what an applicant for registration must demonstrate and continue to demonstrate to the satisfaction of the ONRSR.

It is a further requirement that registered persons submit an AAS on the railway operations undertaken in the private siding/s that they are registered for.

## 5. Approved form and timeframe

Annual activity statements must be prepared using the AAS form published on the ONRSR website and must be submitted within the timeframes designated in the Notice of Registration, or within seven days of the end of the financial year.

A single AAS form should be submitted that includes the details for all private sidings under registration.

Some rail operators may be accredited as a rolling stock operator and registered as a rail infrastructure manager (owner or manager of a private siding). In this case your two reporting periods will align, as per the Notice of Registration.

Where only accreditation is held it is only the Safety Performance Report that is required as per s103. For information on safety performance reporting please refer to the guideline on the ONRSR website.

## 6. Content of the Annual Activity Statement

### 6.1 A description of railway operations carried out

The description should cover any railway operations undertaken since the last AAS. In particular, the description should include:

- > *Activities involving the operation of rolling stock* – an indication of the volume of rolling stock movements on the private siding/s (e.g. the number of rolling stock movements) and whether there have been any changes to persons moving or operating rolling stock. For example, there were approximately 100 movements of rolling stock within the private siding by ABC Rail, which has not previously operated rolling stock on the private siding.
- > *Maintenance carried out* – including what was done, the date it was undertaken and by whom. The section should include the number of inspections, identified faults and completed corrective actions. For example, a track inspection was undertaken by ABC Rail on 20 July 2012, which found two faults both of which have been corrected.

### 6.2 Details of any changes to operations, rolling stock or infrastructure

The purpose of this question is to assess whether the railway operations conducted on the private siding still fall within the criteria for registration and definition of a private siding. It is also an opportunity for a registered person to inform the ONRSR of any planned changes for the next 12 months, enabling an early discussion of any regulatory requirements that may need to be factored into the change, particularly where they are likely to change the scale and complexity of the private siding/s.

In particular, this section should include information on changes that have occurred in the past 12 months and those expected in the next 12 months that involve:

- > *Infrastructure or rolling stock changes* – such as the introduction of rolling stock activities or the construction of track or implementation of new equipment (such as track signalling).
- > *Organisational structure, ownership or key contact changes* – changes in the control or management of the private siding/s, which may affect who holds the registration (e.g. merger or a new owner).

### 6.3 A description of risk management processes applicable to the private siding

The purpose of this is to assess whether the risks are being managed in accordance with the requirements of the RSNL. It is a condition of registration (set out in r13) that an applicant for registration establishes:

- > a scheme for the management of risks to safety associated with the railway operations to be carried out in the private siding that provides for:

- processes for the identification of risks to the safety of rail operations for the purposes of developing a safety interface agreement;
  - processes for the identification and assessment of incidents and hazards;
  - a description of control measures adopted;
  - processes to ensure so far as is reasonably practicable that rail safety work is prioritised so that those hazards representing the greatest risk are given priority; and
  - details about how rail infrastructure within the private siding is to be maintained.
- > A risk register that includes:
- a comprehensive listing of hazards;
  - risks associated with each hazard;
  - the control measures applicable to each hazard;
  - nomination of the person responsible for each control measure; and
  - key engineering, operational and maintenance standards applicable to each control measure.

The description should provide an overview of the scheme for the management of risks that the registered person has in place for their private siding/s.

This should also include details of:

- > *Safety incidents which have occurred* – accidents or incidents (relating to railway operations) that have or could have caused significant property damage, serious injury, or death. These types of incidents are specified in r57.
- > *Any changes to interfaces* – registered persons must comply with the requirements of s83 to enter into interface agreements with managers of rail or road that connects with or has access to the private siding. Any changes to interfaces should be reflected in a revised agreement and provided in the AAS for information.
- > *Maintenance of the risk register* – any reviews or other significant changes to the risk register. For example, a new pedestrian crossing was constructed and the risks were assessed and details of the risks and controls were added to the risk register and agreed in a new interface agreement with the road authority.

## 7. Assessment

The ONRSR doesn't approve or reject AAS's but they must meet the requirements of the RSNL. Upon receipt of an AAS, the ONRSR will conduct a desktop review to ensure that it meets the requirements, including that it:

- > was submitted on time;
- > is in the required form;
- > is complete; and
- > covers all private siding/s under the registration.

If these requirements have not been met, the registered contact person may receive a request for further information. Where a registered person doesn't provide the necessary information, the ONRSR may consider taking enforcement action; refer to the *Compliance and Enforcement Policy*.