

# STATE RECORDS

of South Australia

## Operational Records Disposal Schedule

# Office of the National Rail Safety Regulator (ONRSR)

## RDS 2021/20 Version 1

Effective Dates: 3 January 2022 to 3 January 2032

This operational records disposal schedule (RDS) authorises disposal of official records (including destruction and transfer of records to State Records custody) as a determination in accordance with section 23(2) of the *State Records Act 1997*.

<b>RDS No</b>	RDS 2021/20 Version 1
<b>Disposal Schedule Type</b>	Operational Records Disposal Schedule
<b>Agency</b>	Office of the National Rail Safety Regulator
<b>Records Scope</b>	Records documenting the function/s of Rail Regulation
<b>Records Coverage Dates</b>	20 January 2013 - ongoing
<b>State Records Council Approval</b>	30 November 2021
<b>Effective Dates</b>	3 January 2022 to 3 January 2032
<b>Status</b>	Determined by Director State Records and approved by State Records Council
<b>Associated RDS</b>	<i>Supersedes RDS 2012/22 Version 1 –ONRSR</i>
<b>Associated Document</b>	Use the RDS in conjunction with its RDS Context Statement

© 2020 - 2030 Government of South Australia

This Disposal Schedule may be copied for use by South Australian Government Agencies and Local Government Authorities and for reasonable study or research purposes. No part of this Disposal Schedule may be reproduced or distributed for profit or gain or for any other purpose without the written permission of the Manager [Director] of State Records of South Australia.

The Terms and Scope Notes in the Schedule Body may include terms and relationships that have been taken from Keyword AAA: A Thesaurus of General Terms (© State Records Authority of New South Wales, 1995 and 1998), and are reproduced under a licence agreement between State Records of South Australia and the State Records Authority of New South Wales.

**Contents**

Introduction .....4

    Scope .....4

    Objectives.....4

    Relationship to other disposal schedules .....4

Interpretation .....5

    Status/Disposal action definitions .....5

    Retain a record of records destroyed under this RDS .....5

    Compliance with the Determination.....6

    For more information .....6

    State Records Contact Details .....6

Functions and Activities.....7

# Introduction

## Scope

This RDS applies to the official records of ONRSR's Regulation Function of developing and implementing laws, making industry codes and guidelines and regulating the behaviour of accredited entities. Also includes enforcing measures, including penalties, remedial action and responses escalated to legal matters

Administrative Records are managed under General Disposal Schedule No.34 Administrative Records of National Bodies.

Records created by predecessor agencies are not covered by this disposal schedule and are not the records of ONRSR.

## Objectives

The purpose of this RDS is to authorise the disposal of records in accordance with the *State Records Act 1997* including:

- records of enduring evidential or informational value that cannot be destroyed and must be preserved for future reference (identified as permanent - retain as State archives) in accordance with State Records appraisal criteria
- authorising the destruction of records not of enduring evidential or information value (identified as temporary) after they have been retained a minimum period

## Relationship to other disposal schedules

The General Disposal Schedule for Administrative Records of National Bodies (GDS 34, as amended) should be used by Office of the National Rail Safety Regulator for common records documenting activities such as HR, financial management, policy and procedures. This schedule supersedes RDS 2012/22 v1 with all operational records now covered within this RDS.

Hardcopy source records dating from 1 January 2005 that are converted to digital format (digitised) as part of business processes can be disposed of under General Disposal Schedule 21 (GDS 21) where the conditions outlined in GDS 21 are met.

State Records issue general disposal schedules from time to time to implement disposal freezes, restricting disposal of records which might otherwise be authorised for destruction. To see the latest schedules implementing disposal freezes check State Records website <https://archives.sa.gov.au/managing-information/archiving-transfer-and-disposal/disposal/general-disposal-schedules-gds>

## Interpretation

This RDS establishes minimum periods before temporary value digital and physical records can be legally destroyed and identifies records of permanent value to be transferred to State Records' custody or records of permanent value to be retained in agency.

### Status/Disposal action definitions

- Permanent – retain as State archives  
The disposal action 'Retain as state archives' is used to identify those records of enduring evidential or informational value that cannot be destroyed and must be preserved for future reference. The permanent retention of these records as State archives has been identified in accordance with the State Records' appraisal criteria. These records are required to be transferred to State Records in accordance with State Records Transfer Standard (as amended).
- Temporary – retain for *[list specific period of time]* then destroy.  
The disposal action 'temporary' is used to identify records not of enduring evidential or informational value. These records are not considered to have continuing value to the agency or the State but must be retained for a minimum period. They can be destroyed after reaching this minimum period, and once any other disposal considerations have been taken into account.

### Retain a record of records destroyed under this RDS

Agencies must keep their own record of all records destroyed under this RDS, noting the relevant disposal schedule entry and the authorisation for destruction. Temporary records should only be destroyed with the approval of the CE or delegate in accordance with the *Destruction of Official Records Guideline* issued by State Records of South Australia.

### Compliance with the Determination

Failure to comply with this determination, or any directions in it, falls under Section 17 of the *State Records Act 1997*.

### For more information

Refer to State Records sentencing, transfer and destruction guidelines on our website at [www.archives.sa.gov.au](http://www.archives.sa.gov.au).

### State Records Contact Details

#### Contact details

Level 15, 10 Franklin Street

ADELAIDE SA 5000

GPO Box 464

ADELAIDE SA 5000

**Tel** (+61 8) 7322 7077

**Email** [staterecords@sa.gov.au](mailto:staterecords@sa.gov.au)

**Web** [www.archives.sa.gov.au](http://www.archives.sa.gov.au)

# Functions and Activities

RDS 2021/20 v1 - Office of the National Rail Safety Regulator (ONRSR)

No	Function/Activity	Description including Records Examples	Status	Disposal Action
<b>1.</b>	<b>ADMINISTRATION</b>	<i>The ONRSR administers a national scheme of accreditation, which includes registration and exemption. Organisations are permitted to conduct railway activities and are the appropriate parties responsible for the control and management of rail safety and have the competence and capacity to ensure the safety of their operations.</i>		
1.1	Accreditation	Records documenting the application, assessment and or conditions of accreditation regime under the Rail Safety National Law (RSNL). This activity also includes the undertaking of 'Regulatory Major Projects'.	TEMPORARY	Retain a minimum of 30 years after action completed, then destroy
1.2	Exemption	Records documenting exemption from the requirement for a rail transport operator to be accredited under the Rail Safety National Law or from specific management plans and or programs, including ministerial exemptions.	TEMPORARY	Retain a minimum of 30 years after action completed, then destroy
1.3	Notices	Records of notices of Accreditation, Registration and/or Exemption including Surrender and Cancellation outlining the nature, scope and conditions of operations. This activity includes updates to the National Rail Safety Register(s) published on ONRSR's website.	TEMPORARY	Retain a minimum of 100 years after issue, then destroy
1.4	Notification of Change	Records documenting operational changes that are within the scope of the rail transport operator's accredited operations.	TEMPORARY	Retain a minimum of 30 years after action completed, then destroy

RDS 2021/20 v1 - Office of the National Rail Safety Regulator (ONRSR)

No	Function/Activity	Description including Records Examples	Status	Disposal Action
1.5	Notifications	Notification as per condition(s) and/or restriction(s) of Accreditation, Registration and/or Exemptions as documented within a Notice.	TEMPORARY	Retain a minimum of 30 years after action completed, then destroy
1.6	Registration	Records documenting the application and assessment of registration of a rail transport operator to undertake railway operations associated with management and maintenance of infrastructure of a private siding.	TEMPORARY	Retain a minimum of 30 years after action completed, then destroy
1.7	Surrender	Records documenting the intention and assessment to Surrender Accreditation, Registration, and/or Exemption.	TEMPORARY	Retain a minimum of 30 years after action completed, then destroy
1.8	Variation	Records documenting the application and assessment for a variation of Accreditation, Registration and/or Exemption.	TEMPORARY	Retain a minimum of 30 years after action completed, then destroy
<b>2.</b>	<b>ENFORCEMENT</b>	<i>The function of facilitating improvements to safety or compliance with the Rail Safety National Law by giving direction to a rail transport operator, imposing sanctions or seeking court penalties for contraventions of the Rail Safety National Law.</i>		
2.1	Cancellation	Records documenting the Cancellation (in full or in part) of Accreditation, Registration and /or Exemption due to contraventions in the law, failure to demonstrate competence and capacity, financial reasons or not undertaking operations for at least 12 months.	TEMPORARY	Retain a minimum of 30 years after action completed, then destroy
2.2	Enforceable Voluntary Undertaking (EVU)	Records documenting an enforceable voluntary application and action by an offending individual or organisation which becomes a legally binding agreement once accepted.	TEMPORARY	Retain a minimum of 30 years after action completed, then destroy



RDS 2021/20 v1 - Office of the National Rail Safety Regulator (ONRSR)

No	Function/Activity	Description including Records Examples	Status	Disposal Action
2.3	External Investigations	Records documenting external investigations of rail occurrences, including accidents and incidents undertaken by rail transport operators, the Australian Transport Safety Bureau or other bodies.	TEMPORARY	Retain a minimum of 15 years after action completed, then destroy
2.4	External Review of Decision	Records documenting the external review of a reviewable decision under the Rail Safety National Law by an administrative appeals tribunal or other relevant Court. See 2.5 for internal reviews	PERMANENT	Retain as State archives
2.5	Internal Review of Decision	Records documenting the internal review of a reviewable decision under the Rail Safety National Law. See 2.4 for external reviews	TEMPORARY	Retain a minimum of 15 years after action completed, then destroy
2.6	Investigations	Records documenting the investigation into potential breaches of the Rail Safety National Law, including confirmed positive or non-negative drug and alcohol test results.	TEMPORARY	Retain a minimum of 15 years after action completed, then destroy
2.7	Observations	Records documenting advice provided by a 'Rail Safety Officer' to an operator in regard to legal requirements in response to an identified breach of the RSNL. Including identifying opportunities for improvement referred to as 'Observations' that are provided to the operator in writing as informal advice, with a supporting explanation where a formal response and/or corrective action plan is not required. Note: this is not legal advice.	TEMPORARY	Retain a minimum of 30 years after action completed, then destroy

RDS 2021/20 v1 - Office of the National Rail Safety Regulator (ONRSR)

No	Function/Activity	Description including Records Examples	Status	Disposal Action
2.8	Non Conformance Reporting (NCR)	Records documenting issuing a finding of non-conformance in response to identifying a breach of the RSNL by an operator.	TEMPORARY	Retain a minimum of 30 years after action completed, then destroy
2.9	NRSR Initiated Cancellation of conditions	Records documenting the Cancellation of condition(s) and or Restriction(s) of Accreditation, Registration and or Exemption initiated by the National Rail Safety Regulator.	TEMPORARY	Retain a minimum of 30 years after action completed, then destroy
2.10	NRSR Initiated Variation of conditions	Records documenting the Variation of condition(s) and or Restriction(s) of Accreditation, Registration and or Exemption initiated by the National Rail Safety Regulator	TEMPORARY	Retain a minimum of 30 years after action completed, then destroy
2.11	Prosecution	Records documenting the act of prosecuting an organisation or individuals for breaches of the Rail Safety National Law.	PERMANENT	Retain as State archives
2.12	Statutory Notices	Records documenting the issuing of instruments or powers to compel the production of documents in accordance with the Rail Safety National Law. This can include reviewable decisions.	TEMPORARY	Retain a minimum of 30 years after action completed, then destroy
2.13	Suspension	Records documenting the Suspension (in full or in part) of Accreditation, Registration and /or Exemption due to contraventions in the law, failure to demonstrate competence and capacity, financial reasons or not undertaking operations for at least 12 months.	TEMPORARY	Retain a minimum of 30 years after action completed, then destroy
<b>3</b>	<b>MONITORING</b>	<i>Monitoring is the ongoing oversight and examination of an organisations' railway operations and safety management performance in accordance with the Rail Safety National Law and ONRSR's ongoing work program.</i>		

RDS 2021/20 v1 - Office of the National Rail Safety Regulator (ONRSR)

No	Function/Activity	Description including Records Examples	Status	Disposal Action
3.1	Audit	Records of a formal review of a component of a Safety Management System (SMS) against the requirements of the Rail Safety National Law, including implementation and effectiveness.	TEMPORARY	Retain a minimum of 15 years after action completed, then destroy
3.2	Drug and Alcohol Testing	(Positive Results) Records documenting tests conducted returning a positive result in accordance with ONRSR exemption under <i>Section 6 of the (Commonwealth) Privacy Act 1988</i> that have not been referred for investigation. See 2.6 Investigations	TEMPORARY	Retain a minimum of 2 years, then destroy
3.3	Enquiry	Requests for and collection of additional information regarding an operator's risk management processes and actions arising from an incident or safety issue.	TEMPORARY	Retain a minimum of 15 years after action completed, then destroy
3.4	Inspection	Records documenting the review of railway operations and/or activities. Including auditor notebooks.	TEMPORARY	Retain a minimum of 15 years after action completed, then destroy
3.5	Meetings	Records documenting discussions with an operator on any compliance, accreditation or safety matter.	TEMPORARY	Retain a minimum of 15 years after action completed, then destroy
3.6	Occurrences	Records of 'Notifiable Occurrences' reported/captured in accordance with the Rail Safety National Law.	TEMPORARY	Retain a minimum of 100 years, then destroy
3.7	Public Reporting (REPCON)	Records documenting confidential reporting by the public, including written notice of proposed rail safety undertakings and rail safety concerns.	TEMPORARY	Retain a minimum of 15 years after action completed, then destroy

RDS 2021/20 v1 - Office of the National Rail Safety Regulator (ONRSR)

No	Function/Activity	Description including Records Examples	Status	Disposal Action
3.8	Regulatory Data Sets	Database records of National Regulatory Information collected on Operational activity, incidents, regulatory monitoring outcomes and D&A program data used for identifying needs and forecasting requirements.	TEMPORARY	Retain a minimum of 15 years after action completed, then destroy
3.9	Reporting	Reporting by an operator against Accreditation, Registration and/or Exemption in accordance with the Rail Safety National Law.	TEMPORARY	Retain a minimum of 5 years, then destroy
3.10	Reporting – Drug and Alcohol	Records documenting the dispatch, testing, collection and results of drug and alcohol tests conducted by either ONRSR or a contracted service provider.	TEMPORARY	Retain a minimum of 12 months, then destroy
3.11	Site Visits	Records capturing Rail Safety Officers' visits to rail premises to observe site(s) and/or operations.	TEMPORARY	Retain a minimum of 15 years after action completed, then destroy
<b>4.</b>	<b>PROJECT MANAGEMENT</b>	The activities associated with managing a set approved activity, that is carried out according to a plan to achieve a definite outcome within a given time within ONRSR.		
4.1	Project Delivery	Records relating to the development, implementation, review and closure of projects.	Temporary	Retain a minimum of 10 years after action completed, then destroy
<b>5.</b>	<b>PROVISIONED INFORMATION</b>	<i>The providing or supplying of Information to assist the decisions carried out by ONRSR.</i>		
5.1	Industry Information	Records in operational case files supplied by the operator as supporting documentation for application or response to a monitoring, enforcement activity.	TEMPORARY	Retain a minimum of 5 years after action completed, then destroy