



**Australian Government**  
**Australian Transport Safety Bureau**

**Chief Commissioner**

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15 January 2020

Mr Paul Lindwall  
Commissioner  
Productivity Commission  
GPO Box 1428  
CANBERRA ACT 2601

Dear Mr Lindwall

**ATSB submission to the Productivity Commission's National Transport Regulatory Reform inquiry**

Thank you for the opportunity to make a further submission to the Productivity Commission's National Transport Regulatory Reform inquiry.

The ATSB's latest submission to the inquiry comments on the four draft recommendations in the inquiry draft report relating to the ATSB. Our submission also discusses the role of no-blame investigations in transport systems generally.

The ATSB remains willing and available to discuss any aspects of our submissions further with the Productivity Commission.

Yours sincerely

Greg Hood  
Chief Commissioner and Chief Executive Officer

Attachments  
ATSB Draft Report Submission

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Productivity Commission Inquiry –  
National Transport Regulatory Reform  
Australian Transport Safety Bureau Draft Report submission

PRODUCTIVITY  
COMMISSION INQUIRY –  
NATIONAL TRANSPORT  
REGULATORY REFORM  
AUSTRALIAN TRANSPORT SAFETY BUREAU  
DRAFT REPORT SUBMISSION

[Abstract](#)

This submission is in response to the Productivity Commission’s Draft Report released on 12 November 2019. The ATSB’s submission addresses recommendations made in the Draft Report relating to the ATSB and the role of a no-blame transport safety investigator.

## Contents

1	Introduction .....	1
2	ATSB jurisdiction .....	2
2.1	Overview .....	2
2.2	Rail.....	3
2.3	Marine.....	5
2.4	Heavy vehicles.....	6
2.5	Autonomous technologies.....	8
3	Independent no-blame safety investigations in transport systems .....	10
3.1	Overview .....	10
3.2	Types of transport investigations .....	11
3.3	Decision makers or influencers?.....	12
3.4	Independent no-blame investigation of transport accidents and other safety incidents....	12
3.5	Safety data recording, analysis and research .....	13
3.6	Fostering safety awareness, knowledge and action .....	13

## 1 Introduction

- 1.1.1 This submission includes commentary on the Australian Transport Safety Bureau’s (ATSB’s) modal jurisdiction and the role of no-blame investigations in transport systems in response to matters set out in the Productivity Commission’s National Transport Regulatory Reform Inquiry Draft Report (the Report). A key theme of the submission is that any commitment for the ATSB to expand its remit should be accompanied by appropriate funding.
- 1.1.2 This submission should be read in conjunction with the ATSB’s first submission to the Productivity Commission inquiry published in July 2019<sup>1</sup>.

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<sup>1</sup> ATSB, 2019, *Productivity Commission Inquiry – National Transport Regulatory Reform ATSB Issues Paper submission*.

## 2 ATSB jurisdiction

### 2.1 Overview

- 2.1.1 The Report recommends changes to the ATSB’s jurisdiction for domestic commercial vessels (DCVs), heavy vehicles, and autonomous technologies. The Report also recommends providing certainty around the ATSB’s jurisdiction as the national rail safety investigator.
- 2.1.2 Any decision to change the ATSB’s jurisdiction is a matter for the Australian Government. The ATSB does not set or recommend policy and does not have a view about whether these recommendations should or should not be adopted. However, to assist the relevant governments, the ATSB comments below on the challenges and opportunities that could arise if the Australian Government decided to expand the ATSB’s remit.
- 2.1.3 The Report noted the difficulties involved in estimating timeframes and resources for reforms, in the context of establishing the NHVR:

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*With hindsight it is clear that the participating governments underestimated the time and resources needed to plan and deliver the new arrangements... The Australian, State and Territory governments should learn from this example when considering national reforms in transport or other sectors<sup>2</sup>.*

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The ATSB agrees with this observation in general terms and urges caution in estimating the time and resources required to change the ATSB’s role in any way. Staged approaches to implementation would likely offer the greatest chance of long term success.

- 2.1.4 Should the Australian Government / state and territory governments consider adopting the recommendations, critical factors for effective implementation would include:
- a. Implementation resources – dedicated resources within the ATSB would be required to liaise with the relevant policy area/s and plan for effective implementation that would not impact on the ATSB’s current responsibilities.
  - b. Additional staff – the ATSB’s Average Staffing Level cap would need to be lifted, the agency would need to recruit and train new investigators (which takes significant time and resources), and additional corporate support staff would also be needed.
  - c. Additional offices and equipment – the ATSB would need to consider its office locations in the context of expanded jurisdiction, potentially opening one or more new office locations; all new staff would also require office and ICT resources.
  - d. Building capability – the ATSB would need to invest in training and equipment specific to the new responsibilities to ensure the agency’s activities are appropriate for the sector.
- 2.1.5 Further, the benefits of the recommendations would more likely be realised if there was a coordinated approach across the transport modes, rather than trying to address each recommendation separately. Resources could be used cross-modally and economies of scale achieved through a holistic approach to funding.

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<sup>2</sup> Productivity Commission, 2019, *National Transport Regulatory Reform Draft Report*, p 288

## 2.2 Rail

### Summary

Draft recommendation 9.3 proposes:

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*The Australian and State and Territory Governments should:*

- ...
  - *agree to a funding model to enable the Australian Transport Safety Bureau to adequately carry out its established role in the investigation of rail safety incidents.*<sup>3</sup>
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The ATSB notes the current resourcing model has effectiveness, efficiency and equality issues.

2.2.1 The ATSB suggests the Productivity Commission include greater detail in the final report about the reasons for revising the ATSB's funding model for rail to assist governments with responding to the recommendation. The ATSB's first submission to the Productivity Commission inquiry<sup>4</sup> outlined many of the ineffective and inefficient parts of the current funding model where the states individually choose how they fund rail investigations or contribute resources. These points are reproduced below with some additions:

a. Not aligned with the ATSB's resource requirements

Most agreements are made on the basis that a state/territory will pay the ATSB if an accident happens that meets certain criteria for the ATSB to investigate. Being funded on this basis means the ATSB cannot predict whether it will receive funds from a state/territory in any given year.

Accident and incident investigations require the use of highly skilled people who are trained in methodologies for obtaining and analysing evidence to determine safety factors. It takes around 18 months to two years of training and on the job experience to fully qualify an ATSB investigator. The ATSB cannot sustainably make an investment in recruiting and retaining resources for rail investigations if it does not know whether they will be used and subsequently funded. Going forward, there is the potential that if a few serious rail accidents happened concurrently, the ATSB would have to consider not investigating one or more or diverting resources from investigations in other modes. The outcome either way is reduced safety.

b. Limited independent decision making

There is limited ability for the ATSB to receive increased funding from the states/territories to a level appropriate to the size and scope of the rail sector, particularly as the sector grows and changes. The funding agreements limit the ATSB's independent decision making to respond to changes and to look at lower level incidents that may reveal an emerging adverse trend.

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<sup>3</sup> Productivity Commission, 2019, *National Transport Regulatory Reform Draft Report*, p 324.

<sup>4</sup> ATSB, 2019, *Productivity Commission Inquiry – National Transport Regulatory Reform ATSB Issues Paper submission*, p 9.

c. Inconsistencies between states and with the regulator

The rail regulator covers all rail in Australia however the ATSB's coverage is more disjointed. Some agreements exclude certain types of rail vehicles, others exclude specified rail lines; one agreement ensures a yearly set fee is paid to the ATSB, others outline agreed fees to be paid to the ATSB at the completion of an investigation. The 'Defined Interstate Network' (DIRN) is largely excluded from the agreements even though the DIRN does not have the same significance for separate treatment since the reforms. Greater consistency would assist with certainty around funding and independent decision making with respect to what needs to be investigated.

d. Administrative barriers and inefficiency

The ATSB itself negotiates the funding agreements with the states and territories. Despite attempts to renew, agreements have lapsed in two jurisdictions. Another jurisdiction is yet to sign an agreement. The resources required to continually review and renegotiate agreements are significant and an inefficient use of ATSB and state/territory resources, detracting from core business.

e. Reduced safety outcomes

In the process of negotiating new or renewed agreements, the ATSB may not be able to investigate accidents and incidents. For example, the ATSB recently discontinued a rail investigation after the Government of South Australia informed the ATSB that they considered additional investigatory effort would not provide any increased understanding of the root cause of the incident, and had decided not to fund any ongoing activities<sup>5</sup>. The ATSB saw safety benefit in finalising the investigation and sharing the findings publicly. The Government of South Australia is committed to working with the ATSB to draft the terms for a future agreement, but the interim period can be problematic.

2.2.2 The ATSB's Issues Paper submission also dealt with the effectiveness and inefficiency issues created where states retain their own independent investigator and operate under a collaborative arrangement with the ATSB to conduct investigations in those jurisdictions<sup>6</sup>. New South Wales has the Office of Transport Safety Investigation (OTSI) and Victoria has the Chief Investigator Transport Safety (CITS). The ATSB's submission addressed:

- a. the different prioritisation for resourcing investigations between the three agencies
- b. overhead costs involved in maintaining three agencies
- c. lack of coordinated workforce planning for the most efficient use of resources
- d. inconsistencies with investigation methodologies, policies and procedures.

2.2.3 While there are inefficiencies with retaining three separate agencies there is also inequality. The safety lessons from the NSW and Victorian investigations are being shared with the rail industry in the states and territories where governments do not retain their own resources or provide sufficient funding for the ATSB to retain resources.

2.2.4 The ATSB supports a coordinated approach that addresses the current effectiveness, efficiency and equality issues created by the current resourcing model.

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<sup>5</sup> ATSB, 2019, *Runaway of freight train within the Whyalla Steelworks, South Australia, on 31 July 2019 Discontinuation Notice*, [http://www.atsb.gov.au/publications/investigation\\_reports/2019/rair/ro-2019-015/](http://www.atsb.gov.au/publications/investigation_reports/2019/rair/ro-2019-015/)

<sup>6</sup> ATSB, 2019, *Productivity Commission Inquiry – National Transport Regulatory Reform ATSB Issues Paper submission*, p 10.

## 2.3 Marine

### Summary

Draft recommendations 5.4 and 9.3 both propose expanding the ATSB's jurisdiction to include DCVs:

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#### *Draft recommendation 5.4:*

*The Australian Maritime Safety Authority should improve:*

- *incident reporting by owners of domestic commercial vessels;*
- *its public disclosure of safety incidents by increasing the depth and detail of reported incidents. Reporting should include a state-by-state and vessel-type breakdown of fatalities and injuries.*

*The Australian Government should request and fund the Australian Transport Safety Bureau to conduct investigations and publish research on safety incidents and accidents among domestic commercial vessels.<sup>7</sup>*

#### *Draft recommendation 9.3:*

*The Australian and State and Territory Governments should:*

- *formalise the role of the Australian Transport Safety Bureau to investigate all serious incidents involving domestic commercial vessels, and agree a funding model to support this role*
  - *...<sup>8</sup>*
- 

Implementation would require appropriate resources, timing and planning.

### 2.3.1 Currently, the ATSB is only funded to investigate civilian interstate and overseas shipping<sup>9</sup>.

The ATSB suggests the final report include greater detail about the reasons for expanding the ATSB's jurisdiction to include DCVs. Section three of this submission provides further information about the support that no-blame safety investigations provide to transport systems. Specific to the DCV context, the report could note:

- a. the role AMSA would continue to play in DCV investigations – conducting investigations for administrative, compliance and enforcement purposes.
- b. the support the ATSB could provide for improving DCV incident reporting, particularly in relation to establishing a culture in industry that supports safety reporting.

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<sup>7</sup> Productivity Commission, 2019, *National Transport Regulatory Reform Draft Report*, p 164.

<sup>8</sup> Productivity Commission, 2019, *National Transport Regulatory Reform Draft Report*, p 324.

<sup>9</sup> Specifically, civilian interstate and overseas shipping involving Australian-registered ships anywhere in the world, foreign ships in Australian waters, and foreign ships en route to Australian ports.

2.3.2 The DCV recommendations could be improved with some minor amendments:

- a. The ATSB suggests the two recommendations in the final report be directed to the same government or governments. In the Report, recommendation 5.4 proposes the Australian Government lead and fund the ATSB’s expansion into DCVs, while recommendation 9.3 proposes state and territory governments be involved in expanding the ATSB’s role in conjunction with the Australian Government. The differences in responsibility between these recommendations could cause confusion if they are not aligned.
- b. The ATSB suggests amending draft recommendation 9.3 to refer to the ATSB conducting “investigations and research among DCVs”, as per draft recommendation 5.4, instead of investigating “all serious incidents involving DCVs”. Firstly, the ATSB’s contribution to safety is broader than just investigations and including research in the recommendation recognises that. Secondly, in all modes, the ATSB only investigates a select number of accidents and incidents. To prevent future transport safety accidents and incidents – especially those with the potential for a large-scale loss of life or serious injury to the travelling public—the ATSB directs its investigation resources to those accidents and incidents with the greatest potential of identifying systemic issues. Amending the wording of draft recommendation 9.3 would help clarify the role the ATSB could have in relation to DCVs.

## 2.4 Heavy vehicles

### Summary

Draft recommendation 9.2 proposes:

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*Draft recommendation 9.2:*

*The Australian Government should direct the Australian Transport Safety Bureau (ATSB) to undertake a defined, targeted trial of incident investigation for heavy vehicles, with adequate additional resourcing for the task. Subject to the successful outcome of the trial, the Government should amend the Transport Safety Investigation Act 2003 to confirm investigation of incidents involving heavy vehicles as a function of the ATSB.<sup>10</sup>*

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The ATSB suggests reviewing the recommendation to address:

- legislative barriers
- logistical barriers.

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<sup>10</sup> Productivity Commission, 2019, *National Transport Regulatory Reform Draft Report*, p 322.



- 2.4.1 Currently the ATSB has no jurisdiction in relation to any road vehicles<sup>11</sup>. The ATSB suggests the final report include greater detail about the reasons for expanding the ATSB's jurisdiction to include heavy vehicles – refer to section three for further information about no-blame safety investigation. Specific to the heavy vehicle context, the report could note:
- a. the role the National Heavy Vehicle Regulator (NHVR) would continue to play in heavy vehicle investigations – conducting investigations for administrative, compliance and enforcement purposes.
  - b. international precedent – the United States and a number of European countries<sup>12</sup> conduct independent no-blame road accident and incident investigations. Each country's involvement in road safety varies depending on resources and jurisdiction. As an example, the United States agency, the National Transportation Safety Board:
    - i. investigates significant crashes likely to impact the public's confidence in highway transportation safety, generate high public interest, or highlight national safety issues
    - ii. conducts studies based on emerging trends from crash investigations and other research to identify common risks or underlying causes of crashes<sup>13</sup>.
  - c. improved data – lack of reliable data is a major issue in the heavy vehicle sector at present. The ATSB could improve data collection and analysis in its activities for the benefit of the whole sector.
  - d. independence – some heavy vehicle stakeholders view the ATSB's independence as an important reason to introduce no-blame safety investigations<sup>14</sup>. An investigation conducted independently from the regulator can result in greater authority, and potentially the identification of more systemic findings.
- 2.4.2 The ATSB suggests reviewing the recommendation to address:
- a. legislative barriers to conducting a trial involving investigations – the conduct of any no-blame safety investigation of a heavy vehicle accident or incident by the ATSB, even on a trial basis, would require legislative change<sup>15</sup>. The *Transport Safety Investigation Act 2003* grants the ATSB the power to investigate certain accidents and incidents, obtaining evidence and protecting it in the course of a no-blame safety investigation. There is currently no such power for road vehicles.

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<sup>11</sup> On a matter of clarification, the Report notes that at present no-blame investigations into heavy vehicles are only conducted by NSW and Victorian agencies. While this is correct, it is important to note that these agencies only investigate buses. Many of the stakeholders calling for no-blame safety investigations of heavy vehicles are focused on other types of heavy vehicles such as articulated and heavy rigid trucks.

<sup>12</sup> Denmark, Finland, France, Iceland, Netherlands, Norway and Sweden.

<sup>13</sup> National Transportation Safety Board (NTSB), 2019, *Office of Highway Safety*, [https://www.nts.gov/about/organization/HS/Pages/office\\_hs.aspx](https://www.nts.gov/about/organization/HS/Pages/office_hs.aspx)

<sup>14</sup> Productivity Commission, 2019, *National Transport Regulatory Reform Draft Report*, p 321.

<sup>15</sup> The only exception to this statement is an accident or incident involving both a heavy vehicle and a transport vehicle the ATSB already has jurisdiction for. For example, if a truck were to collide with a train on a level crossing, the ATSB would be able to investigate that accident under the *Transport Safety Investigation Act 2003*.

- b. logistical barriers to conducting a trial involving investigations – the ATSB would require time to build capacity and capability to undertake heavy vehicle investigations. As noted previously, it takes 18 months to two years to train investigators to conduct no-blame investigations.
- 2.4.3 An alternative approach to a trial involving investigations could be to test the value of ATSB involvement in the sector without conducting investigations. This approach could include:
- data collection – the ATSB could work with government agencies and industry to develop shared schemas and support a ‘just culture’ approach to reporting. The ATSB’s expertise in data could help improve data quality and promote use throughout the heavy vehicle sector.
  - research – the ATSB could conduct research and leverage its connections with universities to consider specific issues in the heavy vehicle sector. This research could inform policy, regulatory and operational decisions.
  - training investigators – through its partnership with the Royal Melbourne Institute of Technology (RMIT) University, the ATSB could expand the scope of the Graduate Certificate in Transport Safety Investigation to include the heavy vehicle sector. Completion of this qualification by heavy vehicle stakeholders could build investigative capability in that sector.
  - Secondment opportunities – the ATSB could second a limited number of staff to the heavy vehicle sector to share expertise and best practice approaches to investigations and help others understand the potential role and value of an independent no-blame transport safety investigator.

## 2.5 Autonomous technologies

### Summary

Draft recommendation 9.4 proposes:

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*Draft recommendation 9.4:  
The remit of the Australian Transport Safety Bureau should be extended to include any incident where autonomous technologies at or above SAE level 3 autonomy may have been involved.<sup>16</sup>*

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The ATSB suggests reviewing the recommendation to address:

- who the recommendation is addressed to
- funding
- access to accident and incident data.

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<sup>16</sup> Productivity Commission, 2019, *National Transport Regulatory Reform Draft Report*, p 324.

- 2.5.1 The ATSB understands the *SAE International Standard J3016* is designed to apply to on-road motor vehicles. Therefore this recommendation appears to refer to expanding the ATSB's jurisdiction to include automated road vehicles. However, the Report also states

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*...the ATSB remit should be expanded to allow an investigative role for transport accidents involving self-driving technologies, regardless of the mode of transport<sup>17</sup>.*

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As noted in the ATSB's first submission, the ATSB's current role is limited to aviation, marine and rail<sup>18</sup>. There are many transport modes the ATSB does not have jurisdiction or funding for, including military transport, space, and oil and gas pipelines. The ATSB suggests the Productivity Commission clarify the scope of the recommendation.

- 2.5.2 The ATSB suggests the final report include greater detail about the reasons for expanding the ATSB's jurisdiction to include automated road vehicles / automated transport – see section three for further information about no-blame safety investigations. Specific to the autonomous road vehicle context, the report could note:
- a. the role the relevant regulators could play in automated road vehicle investigations – conducting investigations for administrative, compliance and enforcement purposes.
  - b. international precedent – as part of its remit for highway safety, the United States' National Transportation Safety Board investigates accidents and incidents that involve new safety issues or technologies such as automated road vehicles.
  - c. opportunity for influence – as the automated road vehicle sector in Australia is relatively new and still developing, involvement of the ATSB at an early stage presents an opportunity for the ATSB to influence industry culture and standards to promote greater safety.
- 2.5.3 The ATSB suggests reviewing the recommendation to address:
- a. who the recommendation is addressed to – clarifying which government or governments the recommendation is for would likely increase the chance it will be considered.
  - b. funding – the ATSB cannot absorb additional work within its current resources. Additional funding is essential for any expansion of the agency's role.
  - c. access to data – to effectively perform no-blame safety investigations, the ATSB would require access to accident and incident data for automated road vehicles / automated transport.

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<sup>17</sup> Productivity Commission, 2019, *National Transport Regulatory Reform Draft Report*, p 31.

<sup>18</sup> Civil aircraft registered in Australia, civil Australian-registered aircraft overseas; rail vehicles in Australia; and civilian interstate and overseas shipping involving Australia-registered ships anywhere in the world, foreign ships in Australian waters and foreign ships en route to Australian ports.

- 2.5.4 Critical factors for effective implementation of recommendation 9.4 (however it is written) would include:
- a. long term planning – the automated road vehicle sector is expected to grow exponentially in coming decades. Any decision to expand the ATSB’s jurisdiction now should consider the potential for significant expansion in future years and how that expansion would be funded and managed.
  - b. legislative change – the Parliament would need to amend the *Transport Safety Investigation Act 2003* before no-blame safety investigations of automated road vehicles or other automated transport not currently in the ATSB’s jurisdiction could occur.

### 3 Independent no-blame safety investigations in transport systems

#### Summary

Independent no-blame safety investigations are one of many types of transport investigations

The ATSB’s role covers three important areas, all of which are essential for its optimal contribution to a transport system:

- independent no-blame investigations of transport accidents and other safety incidents
- safety data recording, analysis and research
- fostering safety awareness, knowledge and action.

#### 3.1 Overview

- 3.1.1 As outlined in the ATSB’s Issues Paper submission, independent ‘no-blame’ safety investigators are part of a mature transport safety system, complementing the role of regulators, policy makers, manufacturers, operators, other service providers and industry professionals<sup>19</sup>.
- 3.1.2 In discussing the role of independent no-blame transport investigators and the possible expansion of the ATSB’s jurisdiction, the Report focuses on the conduct of investigations. Investigations are a central part of the ATSB’s work but to be effective this work must also be combined with safety data recording, analysis and research, and fostering safety awareness, knowledge and action. The ATSB suggests the final report acknowledge these areas of responsibility.

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<sup>19</sup> ATSB, 2019, *Productivity Commission Inquiry – National Transport Regulatory Reform ATSB Issues Paper submission*, p 2.

## 3.2 Types of transport investigations

3.2.1 Transport investigations are undertaken by a range of organisations for a multitude of reasons. The Report lists some types of transport investigations:

- 
- *by police forces, to determine any immediate criminal liability*
  - *by State and Territory coroners' offices to determine legal liability and to examine extenuating circumstances in the case of fatal incidents*
  - *by bodies such as the ATSB to determine the technical causes of the accident, and to publish findings and policy recommendations.*<sup>20</sup>
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3.2.2 This list can be expanded to include many other types of transport investigations including:

- a. by regulators to ensure compliance, conduct administrative checks and enforce regulatory requirements
- b. by industry operators to inform operational improvements
- c. by manufacturers to inform product improvements
- d. by insurers to determine liability
- e. by researchers to identify trends and inform policy.

3.2.3 The ATSB's role, and that of all independent no-blame transport safety investigators, differs from other types of transport investigations. The ATSB investigates accidents and incidents objectively to determine what has occurred, why it has occurred and what needs to be done to rectify any deficiencies. No-blame investigations go beyond determining "the technical causes of the accident". The real value is often where the ATSB identifies systemic factors involving the risk controls of an operator, manufacturer or regulator that could have made the operational environment safer, preventing or correcting the event that was the 'technical cause'.

3.2.4 Independent, no blame investigations do not set out to duplicate what operators and regulators do. Independent, no blame investigations aim to examine the transport safety system as a whole, and consider how to make it safer for all industry participants. Investigators, regulators and operators that have a good understanding of each others' role in the safety system can effectively coordinate their investigations and avoid duplication without compromising the purpose and outcomes of their respective investigations.

3.2.5 One way in which the ATSB is already encouraging understanding and coordination is through its partnership with the Royal Melbourne Institute of Technology (RMIT) University to deliver a Graduate Certificate in Transport Safety Investigation. Through this partnership the ATSB aims to build investigative capability throughout the transport sector so a range of organisations are able to conduct quality investigations and the ATSB's resources are available to focus on accidents and incidents with systemic issues. The ATSB also maintains Memoranda of Understanding with industry regulators that address the coordination of investigations.

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<sup>20</sup> Productivity Commission, 2019, *National Transport Regulatory Reform Draft Report*, p 320.

### 3.3 Decision makers or influencers?

#### 3.3.1 The Report comments on the ATSB’s role in relation to policy and regulatory decision-making:

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*...the ATSB may find greater ability to inform policy development rather than complete it. The role of the ATSB in highlighting issues should not extend to an ability to dictate regulatory decisions<sup>21</sup>.*

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3.3.2 The ATSB agrees it should not dictate regulatory decisions or develop policy, however this is already the case. The ATSB’s role has always been to *influence* policy and regulation, not to ‘dictate’ or require any changes, and this should continue.

3.3.3 The ATSB does not have any powers to require regulators or operators to act. Instead it uses its influence to encourage stakeholders with risk management responsibilities to take safety action. The ATSB is not prescriptive about the action that needs to be taken in response to an identified safety issue, but the ATSB will advocate for the relevant stakeholder to develop its own appropriate safety solution.

### 3.4 Independent no-blame investigation of transport accidents and other safety incidents

#### 3.4.1 The Report notes that no-blame investigations:

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*...can provide valuable information to policy and regulatory decision makers, contributing to improved safety regulation in the longer-term<sup>22</sup>.*

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and that:

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*...ATSB investigations can be expected to have some impact on those parties involved in serious incidents that have been subject to investigation<sup>23</sup>.*

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<sup>21</sup> Productivity Commission, 2019, *National Transport Regulatory Reform Draft Report*, p 325.

<sup>22</sup> Productivity Commission, 2019, *National Transport Regulatory Reform Draft Report*, p 320.

<sup>23</sup> Productivity Commission, 2019, *National Transport Regulatory Reform Draft Report*, p 324.

- 3.4.2 Both statements are correct however the contribution of no-blame investigations is much broader. In addition to informing policy and regulatory decision making and impacting directly involved parties, investigations provide valuable information to the transport system as a whole, including operators, manufacturers and safety workers who are not directly linked to the investigation. All ATSB investigation reports are publicly available, and safety issues and recommendations directed to one organisation can act as a prompt to a range of organisations to review their own safety arrangements and make improvements at an operational level before an accident or incident occurs.

### 3.5 Safety data recording, analysis and research

- 3.5.1 Safety data recording, analysis and research are essential components of the ATSB's role in improving transport safety.
- 3.5.2 In each of the transport modes for which the ATSB has responsibility, operators report certain safety issues either directly to the ATSB or to another entity who shares that information with the ATSB. Some reports are required by legislation within specified timeframes and others are made voluntarily through confidential reporting (REPCON) schemes. The data collected through these reports can indicate safety trends in a particular industry or sector that may lead to further safety enhancements through issues investigations, research and targeted safety education.
- 3.5.3 The ATSB conducts research and analysis to assist operators managing safety risks. As trends emerge, the ATSB uses its access to data and productive relationships with stakeholders to research relevant issues.

### 3.6 Fostering safety awareness, knowledge and action

- 3.6.1 Fostering safety awareness, knowledge and action is a critical part of the ATSB's role in ensuring that lessons learned from accidents and incidents actually reach the organisations and operational personnel whose behaviour can change safety outcomes.
- 3.6.2 The ATSB's independent status allows it to educate and engage with industry and government in an effective way. The ATSB is a trusted agency with a reputation for quality analysis and impartial advice. Safety messages communicated by the ATSB can reinforce the messages already shared by others or point to something new.
- 3.6.3 The Report suggested:

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*It may be valuable to have the national transport regulators play a role in ensuring that lessons drawn from incident investigation are disseminated across industry<sup>24</sup>*

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The ATSB endorses this view and considers appropriate relationships with regulators and other organisations can greatly enhance the ATSB's communication of safety messages.

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<sup>24</sup> Productivity Commission, 2019, *National Transport Regulatory Reform Draft Report*, p 325.

Productivity Commission Inquiry – National Transport Regulatory Reform  
Australian Transport Safety Bureau Draft Report submission

- 3.6.4 However the ATSB's independence is a strength when it comes to fostering safety awareness, knowledge and action and this work cannot be replaced by a regulator. Maintaining industry links is essential to the ATSB's ability to effectively exert influence. The ATSB conducts a significant amount of stakeholder engagement and the Australian Government ensures the ATSB Commission comprises industry expertise from all relevant transport modes. There are also some circumstances where regulator involvement in a safety message could dilute its impact due to industry distrust of the regulator or regulator involvement in the safety issue.