
Rail safety cases

Date: Wednesday, 28 April 2021

If an organisation wants to be a rail operator or access provider, or its activities are covered by regulations under the [Railways Act 2005](#), it must have a rail licence. One of the requirements to be issued with a licence is having a rail safety case which has been approved by Waka Kotahi NZ Transport Agency as the rail regulator.

This document provides an overview of what a rail safety case is and explains how developing and implementing a safety case benefits your organisation, rather than just being a box to tick on your licence application.

While the guidance in this document is essential for anyone developing a new safety case or making a variation to their existing one, it is also useful for anyone interested in their organisation's approach to safety on the railways.

Whether it's the considerations behind safety decisions or how the safety culture in your workplace was developed, reading this guide will help you explain how your organisation identifies risks and the approach it takes when deciding on the best way to manage them.





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This publication is also available on our
website at www.nzta.govt.nz

Waka Kotahi is part of, and contributes to, the Road to Zero programme.

Road to Zero is the Government's strategy to guide improvements in road safety over the period 2020-30. The strategy places human wellbeing at the heart of its road transport planning. It outlines a road safety system that supports and expects road users to make good choices, but acknowledges that we can all make mistakes. It values every life and the liveability of our communities, and it upholds the right of all of us to feel safe and arrive safely on our journeys across Aotearoa.

For more information visit <https://www.transport.govt.nz/area-of-interest/safety/road-to-zero/>

Contents

This document contains the content from the [Rail safety cases](#) section of the Waka Kotahi NZ Transport Agency website. It has been broken into the following sections to reflect each web page.

Note: You can Ctrl+click each title to jump to the relevant page.

What is a rail safety case?

This page outlines what a rail safety case is and why you need one to become a licensed rail participant.

How do I start a safety case?

If you're looking to develop a new safety case, or you need to redevelop one due to a change in rail activities or circumstances, this page provides guidance on where to start.

How do I structure a safety case?

This page provides a recommended structure for your safety case and gives guidance under the following headings:

- What do you do?
- What is your safety commitment?
- What could cause you harm?
- What will keep you safe?
- How do you monitor your risks?
- What resources do you need?

Final checks before submitting your safety case

This page describes some of the checks and considerations to make before you engage with us to ensure your safety case is at a stage where it can be considered.

Safety case variations, replacements and change notifications

This page outlines what you need to do to comply with your licence requirements when your organisation is making a change that affects the safety of your rail activities.

It outlines the three methods of contacting Waka Kotahi and steps you through how and when to use them.

What is a rail safety case?

A rail safety case provides an overview of your organisation's approach to safety and demonstrates how your management systems work together to achieve your safety commitments.

Its development gets you, as a (prospective) rail participant, to take a look at your organisation as a whole and think about how you will keep people safe, rather than just focusing on your equipment or procedures. It does this because often the most serious accidents come about not just from one thing going wrong, but from a build-up of failures across the organisation.

The people in your organisation have a big part to play in safety, so ensuring they contribute to and can easily access a clear and thorough safety case is crucial for keeping safety in mind at all times.

Section 30 of the [Railways Act 2005](#) lists the content that a rail safety case must contain and this document describes that content in more detail.

Why do I need a safety case?

As well as protecting people, property and your business, a safety case allows us (as the regulator) to be satisfied you have the right approach, resources, competencies and culture to identify and assess the risks arising from your rail activities, and develop and implement the required measures to control them.

It also assures us that your safety approach for operations is best suited to the particular risks you face, which includes choosing people with the right abilities and attitude you need.

As a licensed rail participant, an effective safety case gives you the ability to demonstrate you are aware of your safety duties under the [Railways Act 2005](#) by:

- making clear your commitment to safety
- demonstrating that you understand all the safety risks in your operation
- providing assurance you have the ability to manage those risks, and
- outlining your efforts to proactively identify and manage safety risks that may develop over time.

Am I able to operate without a safety case?

In some instances, your rail activities may be covered by another safety case, for example you may operate and maintain rail vehicles under another licensed participant. Provided their safety case covers all relevant activities, the risks associated with those activities, and details sufficient plans in place to mitigate them, then these activities can be performed without developing your own rail safety case.

For more information see the content on interoperability under 'What will keep you safe' on the How do I structure a safety case? page.

How do I start a safety case?

Consult with your team

To start developing a safety case you need to consult with your team members, staff, volunteers etc. about safety in the organisation. Then as you have these discussions you'll start to identify the key areas where safety risks exist and be able to consider the measures you could take to ensure those risks don't develop into an accident or incident.

Some good questions to initiate this discussion could be:

- What do we want to do?
- What is our safety policy?
- What are our goals to achieve that policy?
- What risks might stop us meeting those goals?
- How could we prevent them?
- How will we know when we've got it right?
- What resources will we need and how will we maintain them?
- How will we know our safety controls are working?
- How will we fix problems and get better?

Ideally, writing the safety case won't require you to do anything more than you have already done to be a safe organisation. It's just about documenting the 'argument' that everyone will continue to be safe while performing their daily duties.

Start to form your safety argument

A safety case makes clear your commitment to safety and provides all the details required to demonstrate that you're meeting that commitment and will continue to do so. Because of this it can be said to contain a safety 'argument', as it provides the evidence that all your rail activities can and are being performed safely.

A key element to ensure your organisation's safety case is written the right way is to focus on what you want to achieve from your safety activities and why. This reasoning should assure anyone reading the document that you can achieve your goals and that they will work to keep people safe.

Keep talking to the right people

Developing a good safety case will take time. It will also take time for it to be approved (or for a variation to be approved), so if you want to start your activities by a given date, you need to make sure you start early.

During its development, you will probably identify other useful people, safety options that you need to research, risks you need to understand better, and further business planning and decisions that need to be made.

Getting everyone on board with your safety case is critical, especially these key roles:

1. The governance of your organisation:

Whether you have a single owner, a committee or a board, the safety case is their document. They are presenting it to Waka Kotahi and they need to be the driving force behind it, set the goals, take accountability for the commitments, and make sure it remains relevant.

2. The management team:

Safety is a fundamental part of the whole operation, so you need the buy-in of the management team to make sure it works. Managers will usually be responsible for putting safety measures in place, monitoring them and deciding what to do when things don't work.

3. The safety team:

Although safety is everyone's responsibility, it usually helps to have a collection of people who can take the lead to talk to their colleagues about safety needs, provide advice to management, and share information about risks and safety measures.

4. Other organisations:

Nearly all railway organisations will work with other rail organisations. Whoever they are and regardless of whether they have a licence, if you work with them you'll need to talk to them about your safety case. Their activities affect you and your activities affect them.

For smaller operators where one person may hold a variety of roles within the organisation, it's important to ensure that a wide range of people are involved and can contribute using their knowledge and experience, and that ownership of the safety case is established.

If you use a contractor to prepare your safety case, remember that it's your licence, your responsibility and your liability if things go wrong, so ensure you stay closely involved in the process.

Focus on your safety goals

As well as complying with Section 30 of the Railways Act, a good safety case will describe what you seek to achieve and why (your goals), rather than go into detail about the actions you will be taking. A good check to see if you're doing this is to ensure each aspect of the safety case:

- is able to be **tested** - you can prove you've accomplished it
- is **relevant** - it's clear how achieving it relates to your safety goals
- contains **accountability** - it's clear which role in the organisation takes ownership for achieving it.

This commits the organisation to have a safety system in place that can demonstrate the detail around each of your organisation's goals in support of your safety case.

How do I structure a safety case?

However you structure your safety case, you should have your safety commitment clearly flow through it, linking what you do with why you do it. To do this, your organisation will need to break down that high-level commitment until it understands how individual activities contribute to it.

This allows you to demonstrate:

- the argument - why your organisation believes its safety activities will manage its risks
- accountabilities - who is responsible for managing each risk
- line-of-sight - what each activity has to achieve, and
- integration - how different parts of the organisation need to link together to manage risks.

Example structure

Although there is no document structure you're legally required to deliver for a safety case, we recommend you split your document into sections that allow you to step through your reasoning.

The structure suggested below frames each section as a question, and this guidance aims to help you fully answer each one to meet the requirements of [Section 30 of the Railways Act](#).

Note: The table below lists the specific legislation contained within each section.



Section	Inclusions from Section 30 of the Railways Act
What do you do?	(1)(a), (1)(c)
What is your safety commitment?	(1)(b), (1)(c), (1)(h), (1)(l), (1)(m)
What could cause harm?	(1)(d), (1)(e), (1)(l)
What will keep you safe?	(1)(d), (1)(f), (1)(g), (1)(g), (1)(k), (1)(j)
How do you monitor your risks?	(1)(i), (1)(h)
What resources do you need?	(1)(g), (1)(l), (2)

What do you do?

At the start of your safety case you need to provide some context. A summary of your organisation, what's important to it and the types of rail activity it does all provide useful background to help explain what your approach to staying safe will be.

Your organisation [s30(1)(c)]

Describing your organisational purpose (why you carry out your rail activities) is a good starting point as it is what you must achieve safely. Railways may be core to your purpose or just the tool you have chosen to achieve it. For example:

- Are you part of a passenger service?
- Do you keep rail heritage alive?
- Do you provide tourist experiences?
- Are you part of the logistics chain in a larger business?

Your organisational values (how your leadership communicates how it wants the organisation to behave) are also key to the introduction as they set your safety culture and provide the foundation for all your policies and strategies.

Explaining how your organisation is arranged helps to show how safety will be communicated and how different teams work together safely. Some areas we recommend that you comment on include:

- How are you governed?
 - Is your organisation governed directly by the owners or does it have a board of directors or a committee?
 - Are you part of a larger, parent organisation?
 - Are there any other organisations involved with yours?
- What is the structure?
 - How are the different rail activities separated into teams?
 - Where do functions like safety and assurance sit?
- Your team
 - What types of expertise do you have available – from your own team, from parent organisations, from contractors?
 - Do you have paid staff, volunteers, or a mix of both?
 - Do you use contractors or casual labour for any of your rail activities?

Your rail activities [s30(1)(a)]

Describing your rail activities is a key part of the context for your safety case, but only at a high level. Any change to your safety case in future needs our approval, so don't be too specific (eg instead of saying 'we operate from 7am to 5pm', you could say 'we are a daytime only operation').

Some areas we recommend you comment on include:

- What rail activities do you do?
- Do you own, maintain or operate rail vehicles (or all three)?
- Do you control a rail network or operate on someone else's?
- Do you own or maintain rail infrastructure (eg track, signals, bridges)?
- What type of rail vehicles are you involved with?
 - Are they freight, passenger or work trains?
 - Are they custom designed, production stock or restored?
 - What motive power do they use?

- Do you own them or are they provided by others?
- When do you carry out your rail activities?
 - When do you run – only parts of the year, month, week or day?
 - How often do you run?
 - Do you do the same thing day-to-day or is it constantly changing?
- Where do you operate?
 - What is the size and scope of your rail activity?
 - Where is your site?
 - Does any other activity go on around your railway track (eg an industrial site)
 - Do you operate on a private line, siding and/or KiwiRail's NRS?

Other legislation you must comply with

If you're using your safety case to cover other legislative obligations, these should be pointed out clearly in your safety case and how they relate to your rail activities. This demonstrates your awareness of regulatory duties and makes our regulatory decision making easier.

When describing these obligations, consider the key duties you have under these laws (eg reporting accidents and incidents) and the roles you fulfil under these laws.

What is your safety commitment?

Your safety case makes a commitment about your organisation's safety by turning "being safe" into something more tangible. It does this by focusing on your safety activities and showing that your commitment to safety:

- is tuned to your organisation
- is led by management
- has the buy-in of all team members, and
- drives your organisation to constantly do better.

Safety policy, principles and goals [s30(1)(b)]

Your organisation's safety policy is the foundation of your safety culture. It describes what 'being safe' means to your organisation. Our expectation of safety is set by [Section 7 of the Railways Act](#) and your safety policy should describe this in your own words, in a way that is relevant to your organisation.

To help ensure it can be applied regardless of what is happening, you might find it useful to break it down beyond a single statement. For instance:

- try to explain your policy as a set of principles everyone can sign up to (essentially some rules that you and your team will follow that are appropriate for all roles)
- think about everyone that will be affected by your rail activities and how you will know they are safe, and
- identify key safety goals that will collectively achieve the safety policy.

You should include your safety principles and goals in your safety case.

The **principles** set rules that you and your team will act by. They are clear, appropriate to all of the team no matter their tasks, and work together to build safe behaviours.

The **goals** turn your safety policy into a set of accomplishments that the organisation can work towards. In Section 30 of the Railways Act they are referred to as 'objectives'.

The goals you choose need to fully cover what you need to achieve to keep safe, so it pays to use similar goals rather than mix and match. For instance your goals could be based on:

- what you do to keep people and property safe
- what your outcomes are (eg minimal incidents, high awareness), and
- what could go wrong (eg the risks you face when performing your rail activities).

Depending on your approach, you might need to break these goals down a bit more before you can start setting achievable targets.

Governance [s30(1)(c)]

Your safety case needs to show that your organisation's leadership owns the document and the safety policy, principles and goals it embodies. It must also show that your governance team have the right accountability, skills and tools to hold the organisation to the safety case.

The governance team and senior leadership should be involved with the safety case, ensuring:

- they understand their role in ensuring the organisation's safety commitment is met
- those leading have the right management skills to oversee a railway activity, and

- there are clear accountabilities and organisational arrangements to support good governance, promote safety and manage risks.

Monitoring performance [s30(1)(h)]

Having reliable performance measures that cover all of your safety goals are key to achieving them. Your safety case should describe your key performance measures and demonstrate you have a strong approach to monitoring them.

To illustrate how you're monitoring your organisation's safety performance, ensure:

- each performance measure has a role specifically accountable for meeting it
- you can provide evidence that you know what is going well, what isn't working, and what could be going even better
- you show how you will communicate the findings across the organisation and to us, and
- you show how your organisation reacts when your performance measures aren't being met.

Continuous improvement [s30(1)(l)]

Your safety case needs to demonstrate that your organisation is one that is continually and effectively taking opportunities to improve its safety. A good way to do this is to show how your systems work together to provide you with information you can act on, for instance:

- how you monitor and review your organisation's performance so you know where to improve and when you can celebrate success
- how you review your safety case and safety system to ensure the various parts continue to be the most appropriate
- how your culture encourages people to share ideas
- how you manage change and understand what else might be affected by an improvement (ie fixing one problem may raise new problems), and
- your project management process for ideas and how they are implemented.

Consultation and communication [s30(1)(m)]

It's important that your safety case shows you understand how and why effective conversations, both internally and externally, help to achieve your safety activities.

Representatives of rail personnel are a key part of this as they provide another way for you to get your message out, and they are valuable in helping you get informed and honest feedback from staff, volunteers and members who might not speak up otherwise.

When describing what you expect to achieve here, think about how your organisation:

- gets the best value from your communications
- talks with the right people to work out how to stay safe
- thinks about those peoples' situation rather than just what you need from them, and
- talks to them the right way to get informed and honest answers.

Documents that may help you develop this section:

- Your safety policy
- Your current performance measures and reporting plan
- Submissions from and agreements with representative organisations, such as unions

What could cause harm?

Risks are what threaten safety, especially unfamiliar or complex risks that challenge your usual ways of keeping safe. In your safety case you are making the commitment that you can achieve your safety goals despite the risks you expect to face, so you need to demonstrate that you understand what those risks are.

Understanding your risks [s30(1)(e)], [s30(1)(l)]

Your safety system (and other business systems) must be built to handle the types of risks you face, so it's crucial that you understand what they are and how they vary depending on your activities. It's also important to ensure your workers and their representatives are involved in identifying, assessing and considering the management of these risks.

For example:

- seemingly similar activities (eg doing maintenance during the day and doing maintenance at night) may have very different risk profiles, and
- very different activities (eg hosting a school group and shooting a film) may have the same risks.

It's important your safety case demonstrates that you have considered your risks thoroughly to make sure your management systems are fit for purpose. A good way to show this is by describing some of the factors that lead to your significant risks and make them more difficult to control, for example:

- What types of hazards are there? (eg long tunnels, bridges, hazardous goods)
- Who is most likely to get harmed? (eg school groups, public, nearby workers)
- What makes it harder to stop these risks harming people? (eg isolated environment, working at night, relying on casual workers).

When you're describing your risk factors, ensure you also consider any seasonal or occasional activities, shutdown periods, commissioning of new equipment or special events.

How you assess your risks [s30(1)(d)]

You should also demonstrate that you have the ability to assess your identified risks, prioritise the ones that need attention, and put in place safety controls to manage them.

There are many different ways to assess risk so your approach should be based on the nature of your operation. Your safety case then needs to describe your chosen risk methodology, your capacity to implement or adopt it and provide assurance that it will address your risks. It should also describe what you seek to achieve from each assessment method, including:

- the types of risk it must be able to evaluate and compare
- the information it must be able to work from
- the information it needs to give you, and
- how often you need to use it to assess risk.

Documents that may help you develop this section:

- Your organisational risk register
- Examples of your different types of risk assessments
- Risk assessments for your greatest hazards
- Workshops from your hazard identification sessions

What will keep you safe?

Safety controls are the systems and processes that mitigate the risks involved with your rail activity, and your safety case has to show that the ones you have in place meet the requirements for railway participants in [Section 7 of the Railways Act](#).

Choosing safety controls [s30(1)(d)]

Your approach for choosing the right safety controls should encourage exploring many options with a fair consideration of how they may or may not work, rather than simply opting for the most familiar option. Your safety case needs to describe your selection method and show that consideration was given to:

- all of the possible options
- what is considered best practice or consistent with respected standards
- whether you're making a safe place or solely relying on safe people, and
- whether you're managing the risk so far as is reasonably practicable.

Note: Refer to [Section 5 of the Railways Act](#) for the meaning of reasonably practicable.

Your safety case should also show that these decisions are being made by those who have the authority to make them happen. Some decisions can be made at lower levels, but the board should be considering things that require buy-in from across the organisation or significant budget.

Critical safety controls

There are some safety controls that are required by all rail operations, so you must have them as part of your safety system and demonstrate in your safety case that that you can operate them well. These controls are listed below.

When describing these controls in your safety case, focus less on how you carry them out and more on the type of risks they will address and how well they will address them. Doing it this way helps your front-line team understand the importance of the controls and how they directly contribute to safety.

Team member fitness for duty [s30(1)(k)]

For those of your team with safety critical roles you need to show how you can be certain they are not impaired in any way - particularly by fatigue, illegal drugs, prescription drugs or alcohol.

Interoperability [s30(1)(f)], [s30(1)(j)]

If your rail activity interacts with other rail participants, especially on-track, managing safety in this area is known as "interoperability". Where this exists, your safety case should show that all parties agree on the system of controls and there are no gaps in practice, which includes showing:

- there is open and constructive talking between the organisations on how to stay safe
- concerns and problems are rapidly identified and addressed
- you are clear where your activities overlap and where they don't, and
- you are clear what risks are affected by each other's activities and how ownership will be shared.

If you operate on the National Rail System (NRS), you must demonstrate how participation in the committees and following the NRS standards will help you achieve your safety goals.

Asset management [s30(1)(g)]

The condition of your rail assets is critical to maintaining safety. When they don't operate as intended, it can result in a person getting seriously hurt. Your safety case should show how you're aware of the condition of your assets and their operational needs.

Emergency management [s30(1)(l)]

Despite your best plans, things may go wrong at some point. Emergency management makes sure a bad situation doesn't get worse. The three objectives of emergency management are to:

- recognise quickly that things are going wrong (or are likely to)
- understand the emergency well enough to react, and
- react accordingly to prevent further harm.

You should describe how you will develop and maintain emergency plans that are effective and are understood by the people who may need to use them.

Document control [s30(1)(g)]

Keeping your documentation (including practices and procedures) well managed and maintained is a big part of ensuring safety in the workplace. As well as staff knowing they can easily access it and are looking at the most up to date version of what they need to know, it also helps those in governance positions know they are meeting their legal obligations.

Your safety case should demonstrate that:

- you know the important information you hold and who's responsible for it
- you can protect that information from being damaged, lost or corrupted
- people are able to access the right documents for their needs, and
- you know when documentation changes, who has changed it and why.

Change management [s30(1)(l)]

When something changes in your organisation it must be managed well, as unexpected risks may arise and people could be exposed to harm. A strong and integrated change management process is a must-have for any rail operation and your safety case should show:

- how well the process is/will be integrated into the business
- the value to risk management it provides, and
- that it adjusts to the scale and importance of a change.

Documents that may help you develop this section:

- Your safety control selection method
- Examples of how you have applied the method to mitigate risks
- Your policies and procedures for the critical safety controls
- Joint operating procedures with those you interact with
- Approval from the NRS access provider if you are choosing to operate on the National Rail System

How do you monitor your risks?

To show you can manage your identified risks, you need to demonstrate that you're able to monitor what is and isn't working in your operation. This includes specifics, from whether tasks are being performed correctly to whether you're meeting your safety policy, principles and goals.

Your monitoring approach

Your safety case must show that you have a comprehensive monitoring approach with the right people in the right roles to perform the monitoring tasks. You should be able to build a picture of what's happening each day compared to what should be happening, including:

- how assessment findings are tracked and resolved
- how resulting actions are prioritised and taken, and
- the checks in place to ensure a fix/change has worked and will stay working.

Accident and incident monitoring [s30(1)(h)]

All rail participants must notify us of any accident or incident as soon as practicable (depending on its severity), which includes near misses or breaks in safety protocol. Your safety case should outline your mechanism for notifying Waka Kotahi and show how your system makes it easy for anyone to notify you of a safety concern.

Investigations [s30(1)(h)]

Investigating occurrences allows you to understand the organisational reasons why something happened. You should show that you also investigate where you feel an incident could occur, so you're able to fix problems before they hurt someone.

Internal assurance [s30(1)(h)]

Internal audits can range from a simple spot-check to a methodical review of the entire operation. Often a mix of both is best and you should show how you monitor that your team is in compliance with procedures, policies and rules, and that your safety equipment is in place and working.

You should also look at your management system with the aim of identifying the root cause of any failures. These are good at telling you why something isn't being done, rather than just whether it is or not.

Additionally, quality assurance (QA) is about how you make sure your important equipment, practices and communications are fit for purpose before you use them. Outlining your QA processes could include examples of checking training programme attendance or a plan of operations for the day.

Waka Kotahi safety assessments [s30(1)(i)]

Waka Kotahi undertakes ordinary and special safety assessments on a risk-based schedule covering all licence holders. Your safety case should show that there is a variable timeframe for these assessments and Waka Kotahi will discuss this with you in advance.

Documents that may help you develop this section:

- Your audit and assurance plan
- Your Quality Assurance method
- The accident and incident categories you will monitor
- Reporting procedure for problems, safety issues, accidents/incidents

What resources do you need?

In order for your organisation to be able to achieve its safety commitments, it must have the right expertise, the right assets and the right people. Your safety case needs to demonstrate that you have these resources, while also making it clear that you're managing the expertise, assets and people that can't be lost without sacrificing safety.

Recognise what is safety critical [s30(1)(g)]

A safety critical task is one that, if done incorrectly due to a mistake, absence or failure, is a serious risk to safety. Team members who perform safety critical tasks have a safety critical role, including:

- locomotive engineers (ie if they collapse then control of the train could be lost)
- maintenance workers (eg if they reassemble brakes incorrectly), and
- managers (eg if they approve an unsuitable piece of equipment).

Your safety case needs to show that all of your safety critical tasks are being done properly. This means you need to provide confidence that your systems:

- clearly identify safety critical tasks and who does them
- ensure those staff have the skills they need and are not impaired, and
- can adapt to changes (eg new staff) and identify when something becomes safety critical.

Training and competency [s30(1)(g)]

To show that your team and contractors in safety critical roles have the necessary training and competencies, you need to demonstrate your systems are able to:

- determine what skills are needed
- track who has the skills and whether they need to be refreshed, and
- assess whether the training is effective in providing those skills.

How you ensure the competency of contractors is of particular interest as their skills may not be known and your control over their actions may be less than that of your own team.

External parties covered by your licence [s30(1)(l)], [s30(2)]

If your rail activity interacts with other rail participants, managing safety in this area is known as 'interoperability' (as mentioned in the 'What will keep you safe' section). When another organisation performs rail activities under your rail licence, your safety case needs to demonstrate that:

- key people (such as the board, planners, training managers and team leaders) in your organisation are clear they are taking responsibility for the safety of those operating under your licence
- those operating under your licence share similar safety culture, principles and goals as your organisation
- your safety systems are able to keep all external parties safe as well as your team, and
- all parties understand your safety systems and can comply with them.

If necessary your safety case may adopt, by reference and with any necessary modifications, one or more parts of another approved safety case.

Final checks before submitting your safety case

When you finish your safety case there are a number of checks you can do to make sure it's complete – with the main one being that it's working for your organisation and providing value for your staff and customers.

We've outlined some additional checks and considerations on this page.

If you already have a safety case and are looking to get some changes approved, see Safety case variations, replacements and change notifications on page 19.

We'll work with you

Getting your safety case approved can sometimes be a gradual process. If you're finding it difficult, get in touch with us and we'll work with you to get it to completion. Remember, you're not submitting something to be graded, we're working together to get a complete, accurate and valuable document so we'll be providing the advice you need to get it there.

How will I know that my organisation's safety case works?

The statements below provide a good high-level check of your safety case. They should all be true.

- Your board/committee/owner stands behind your safety case.
- Your safety case addresses all your rail safety-related legal obligations.
- All of your staff understand the sections relevant to them.
- You would have something similar even if you didn't need to provide it to the regulator.
- You would be happy to show your safety case to your passengers and customers.

Does my organisation's safety case include everything it needs to?

The Railways Act 2005 lists the content required for a safety case in [Section 30 - Contents of a safety case](#) and you can use this legislation as a checklist of sorts. The example structure provides links to each piece of relevant legislation, so if you've followed that, everything should be included.

The bullets below summarise these requirements in plain English:

- Rail activities and where they take place
- Identified risks from rail activities
- Systems in place to identify and assess safety risks
- Systems in place to mitigate risks
- Systems in place to develop and implement control measures
- Process for ensuring work with other rail participants enhances safety
- Process for ensuring currency of safety case, safety system and licence conditions
- Policies in place to ensure rail personnel are fit for duty
- Consultation process for safety system changes that affect personnel
- How safety is managed and promoted
- Safety policy and objectives and how they are implemented
- How assets and equipment are fit for purpose
- How safety critical tasks are identified
- Process for ensuring staff receive appropriate training and competency testing
- How key safety performance measures and factors are identified, monitored, recorded and reported on
- Process for safety assessments by the regulator
- Process for ensuring safety is maintained, and improved as circumstances change or significant risks are identified

How do I keep my organisation's safety case up to date?

In the interests of safety it is important for you to conduct regular reviews of your risks. This is what you should have outlined in the monitoring section of your safety case.

Your safety case should be at a high enough level that minor changes in risks over time are covered by the safety management system you have outlined. You will need to update it following changes in cited legislation or agencies, which will acknowledge your awareness of the changes and how they affect you. When you identify risks that aren't being managed appropriately you will need to request a variation. See Safety case variations, replacements and change notifications on page 19.

When is my organisation's safety case used?

While your safety case is used by your organisation every day as you manage the risks of your operation, the document is officially used on a number of occasions to regulate safety, which have been listed below.

Applying for a licence

Part of being granted a rail licence includes having your safety case approved by Waka Kotahi.

Rail assessments

Part of being a licensed rail participant involves periodic assessments of your rail activities. When Waka Kotahi performs this assessment, they are essentially assessing whether your operations are compliant with the safety commitments and approach outlined in your safety case.

Investigations

If there is a rail accident or incident in your organisation, or a near miss, your safety case is often an important reference document to ensure operations were carried out in accordance with your safety approach.

Interoperability discussions

When your rail activity interacts with other rail participants, the management of these interactions needs to be covered in your safety case. Your safety case can be a useful reference document in these discussions also.

Safety case and safety system reviews

Your safety case should be periodically reviewed (aside from assessments), which will normally coincide with reviews of your safety systems. The trigger for a safety case variation may not always be a change in your rail activities, and could arise from operational monitoring and findings.

Internal audits

Audits help you discover whether the controls detailed in your safety case are being carried out and whether they're working. They ensure your team are in compliance with procedures, policies and rules and that your safety equipment is in place and working.

Third party audits with other rail participants

When a third party carries out an audit, your safety case may be required as an information source or as evidence that safety controls are in place for all aspects of your operation.

Safety case variations, replacements and change notifications

As a licensed rail participant, you're required to carry out your activities in compliance with your approved safety case and underlying safety system ([Railways Act 2005, Section 11](#)).

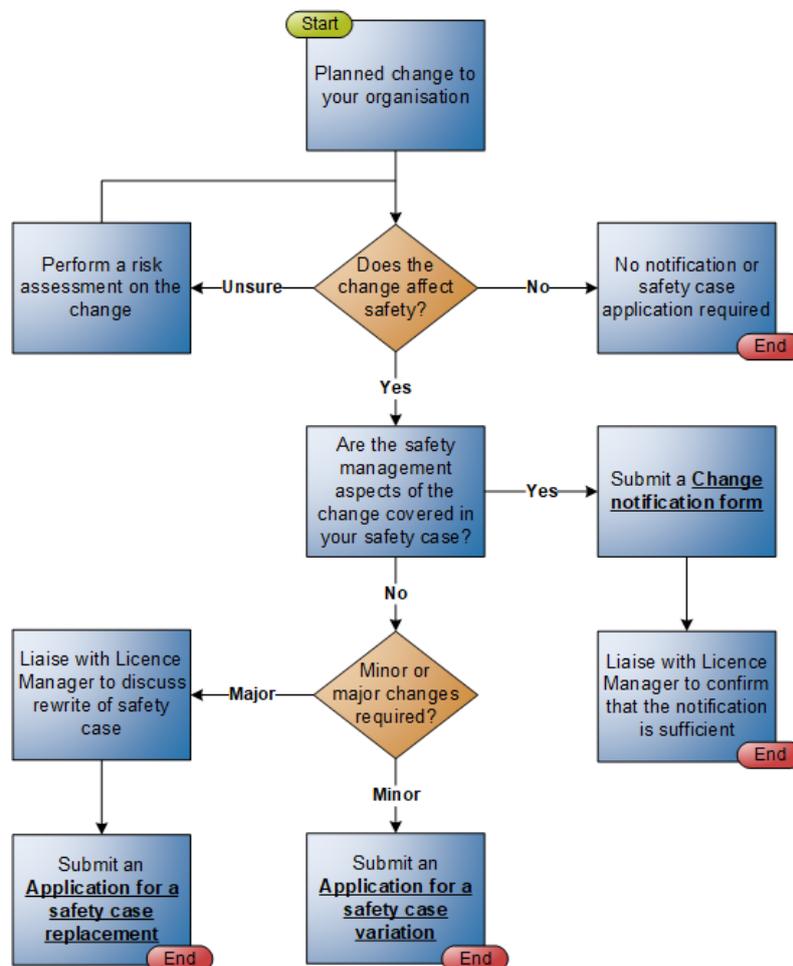
If you're planning on making a change to your rail activities or a change to your organisation that may affect your rail activities, **and the change has an element of safety risk involved with it**, then you'll first need to let Waka Kotahi know (examples of these types of changes have been provided in this document).

Even if the safety and risk management elements of the change are already consistent with your approved safety case, we need to be able to confirm this.

Who is this guidance for?

This guidance is for all holders of a rail licence and outlines expectations for notifying Waka Kotahi of potential changes within your organisation, which includes applying for a variation to your safety case and submitting a replacement safety case where appropriate.

The scale and nature of your rail activities, along with the current scope of your safety case, will determine the level of variation or notification required for the changes you are planning to make. Following this guidance will enable Waka Kotahi to receive information on your planned changes. However, it does not guarantee approval of all applications, and you should liaise with your licence manager as required.



How do we let Waka Kotahi know of a planned change?

The way you engage with us will depend on the scope of the change, and whether your safety case already demonstrates the capability to identify, control and manage all of its associated safety risks.

There are three levels of engagement and these are outlined below:

- Change notifications
- Safety case variations
- Safety case replacements

Change notifications

A change notification is a formal way to let us know of a planned change or renewal your organisation is making that could affect the safety of your rail activities, and is within the current scope of your approved safety case.

By submitting a [Change notification form](#), you're able to let us know of the change and confirm you're managing it adequately by referencing the relevant section or sections of your safety case.

We require you to notify us before the change is implemented to avoid potential compliance issues should a variation be necessary. If you'd like to discuss it beforehand, please give your licence manager a call.

Safety case variations

A safety case variation is an amendment to your approved safety case which is normally associated with a planned change or renewal your organisation is making that affects the safety of your rail activities, and is currently outside the scope of your approved safety case. There may also be circumstances where a planned change or renewal may not be significant, but could impact upon a number of sections of your safety case.

When your organisation is planning such a change, you'll want to get in touch with your licence manager as soon as possible. They can advise and guide you on the content updates required to your safety case, and assist you through the process for submitting an [Application for a safety case variation form](#), which involves providing copies of your change process, risk management process and any risk assessments performed in relation to the change.

Note: For more information, see our [Risk management](#) page.

An approval process must be completed under the Railways Act 2005 before the change can be implemented. You should allow 20 working days after you submit the application form, as per the Railways Act 2005, for the approval process to be completed prior to the change being implemented.

Safety case replacements

A safety case replacement is a rewrite of your organisation's safety case containing substantial changes from the previous version – it may be a new approach to your safety case or simply contain too many changes to reference as variations. It doesn't necessarily have to be initiated by changes in your activities or organisation, it could be due to findings from an assessment.

If you're planning to do this, we recommend getting in touch with your licence manager as soon as possible. The approval process is the same as when a new safety case is assessed as part of a licence application, so submitting an [Application for a safety case replacement form](#) will also involve providing copies of any change process, risk management process or risk assessment associated with the new content. Allow for 40 working days after you submit the application form, as the changes must be approved, as set out in the Railways Act 2005, before you implement them.

Note: See the [How do I structure a safety case?](#) page.

Why are change notifications required?

Having a process to confirm that you (as a licensed rail participant) are appropriately considering and managing the safety risk elements of any changes relating to rail activities, provides us (as the regulator) ongoing assurance that you can integrate changes safely and without affecting risks in other areas. It also ensures that you adopt a robust, well managed and risk-based approach to change.

Keeping us informed of changes in your organisation that may affect the safety risk of your rail activities works both as a reminder for you that you're following your appropriate processes, and as a tool for us to maintain oversight of the rail industry (which helps us monitor trends and promote safety).

After checking a notification (or after an assessment), if we determine that a variation is required to your organisation's safety case, we'll provide you with a notice, explain the rationale behind the decision and work with you to get the changes made ([Railways Act, Section 34](#)).

When is a notification required and when is a variation required?

When your organisation is planning on making a change to your rail activities or a change to your organisation that may affect your rail activities, and that change **has an element of safety risk involved with it**, you'll need to notify us.

A 'Change notification form' is sufficient if your organisation's safety case adequately covers the safety management aspects involved with the change. However, if updates need to be made to your safety case document in order to cover these safety aspects, an 'Application for a safety case variation form' will need to be submitted for approval.

Specific examples

We have provided some examples of the decisions, events or changes that you're required to notify us of below. Please note that this is not an exhaustive list and the examples only apply if they have an element of safety risk involved with them. As mentioned above, in some cases these examples will be a notification and in others a variation – it all depends on the content in your approved safety case document.

Examples of changes that will require either a notification or variation
A decision to design or construct (or to commission the design or construction of) new rail vehicles or tracks
The introduction of a new rail vehicle type not previously operated, or the reintroduction of a rail vehicle type not currently operated
A change to a safety critical element of an existing rail vehicle
A change to one or more of the classes of rail infrastructure used in your organisation's rail operations
The decision to adopt a new safety standard for the design of rail infrastructure or vehicles
A change to the frequency of, or procedures for, the inspection or maintenance of rail infrastructure or vehicles
A change to the rules or procedures relating to your organisation's rail operations

A decision to introduce a new rule or procedure relating to your organisation's rail operations
A decision to change any work scheduling practices or procedures that potentially introduce new fatigue risks

We've also provided some examples of situations that will require either a variation to your existing safety case, or a complete replacement.

Examples of situations that would require a safety case variation or replacement
The commitments and goals identified in your safety case are altered (either by organisational choice or legislative requirement)
You discover that your approach to safety isn't effective and you need to change systems, processes or policies to improve your management of safety
The capability of your management control arrangements or safety system needs to be changed or increased

Submitting a change notification

The [Change notification form](#) allows you to summarise the planned change to your activities or organisation, provide the rationale for the change, and then reference the sections of your organisation's safety case that cover the safety-related aspects.

Provided those safety-related aspects are adequately covered, and the activities detailed are being followed, the change can be reviewed relatively quickly after the form is submitted to your licence manager.

Note: If you're not sure who your licence manager is, send the form to railregulation@nzta.govt.nz

Submitting an application for a variation

When submitting an [Application for a safety case variation form](#) to your licence manager for a variation, you'll also need to provide copies of your planned change process, risk management process and any risk assessments performed in relation to the change. A key part of the change process is your communications with staff and affected parties, so a summary of this may also be required.

It's important to understand that submitting an application is not the same as having the variation approved. If we're not satisfied you're managing the change in risk so far as is reasonably practicable (see our '[So far as is reasonably practicable](#)' page for more information), we won't be able to approve it and you won't be able to implement the change. If this happens we'll work with you to amend and resubmit the application.

If applicable, variations can also be approved in part or with conditions applied ([Railways Act, Section 35](#)). An example of this is provided below under the heading 'Can changes be tested before a safety case variation is approved?'

Completing the form

After providing the identifying details of your organisation and its current approved safety case, the key information you need to provide in the application form includes:

- A summary of the planned changes to your operation

- Details of the proposed changes to be made to your safety case, referring to the relevant sections that require amendment
- Details of any infrastructure involved in the change (eg tunnels, bridges, vehicles)
- Details of any new type of service or operation you will be providing
- A list of any other rail participants affected and the consultation that has taken place with them regarding the change

As mentioned, you also need to attach the following documentation:

- A summary of your planned change process (change management activities)
- Your risk management process
- Your risk assessment results
- A summary of communications with staff and affected parties (if required)

The supporting evidence needs to demonstrate that your safety case will remain fit for purpose after the change has been implemented.

Submitting an application for a replacement

Before you submit an [Application for a safety case replacement form](#) to your licence manager, you should have been in touch to with us discuss your intention to do so. This early engagement allows us to establish whether the replacement will primarily be the format and presentation of the document, or whether it incorporates substantial changes in content that will need further assessment.

It's important to understand that submitting an application is not the same as having the replacement safety case approved. We need time to assess whether the new safety case is acceptable and whether the safety aspects of any changes to your activities or organisation have been adequately accounted for. If we're not satisfied you're managing any changes in risk so far as is reasonably practicable (see our '[So far as is reasonably practicable](#)' page for more information), we won't be able to approve it and you won't be able to operate according to the new safety case. If this happens we'll work with you to amend the safety case and resubmit the application.

Completing the form

After providing the identifying details of your organisation and its current approved safety case, the key information you need to provide in the application form includes:

- The rationale for the replacement and the reason the application is not for a variation
- Summaries of any organisational or rail activity changes that the replacement safety case covers that weren't part of the current approved safety case
- Details of any infrastructure involved in any changes (eg tunnels, bridges, vehicles)
- Details of any new type of service or operation you will be providing
- A list of any other rail participants affected and the consultation that has taken place with them regarding any of the changes

As mentioned, you also need to attach the following documentation:

- A summary of your planned change process (change management activities) for any changes
- A copy of your risk management process
- A copy of any risk assessments performed in relation to the changes
- A summary of communications with staff and affected parties (if required)

The supporting evidence needs to demonstrate that your replacement safety case will be fit for purpose after the proposed organisational or rail activity changes are implemented.

What are the criteria for approval?

While it may appear that Waka Kotahi is reviewing and approving the technical elements of the change itself, it's actually that you have followed and applied good risk and change management process to the activity and to update/variation to your organisation's safety case that is being assessed.

[Section 33 \(3\) of the Railways Act](#) states:

"The proposed variation must be considered by the Agency as if the licence holder were proposing a new safety case, and section 31 applies as if it were a fresh application for approval."

Can changes be tested before a safety case variation is approved?

In some change processes there is a period where rail activities are changed, but in a limited way – such as testing new rail vehicles before you start running regular operations. An approach we encourage in these types of scenarios is to split the variations into phases.

By requesting an initial safety case variation (eg to test a new rail vehicle in a controlled environment), you can perform your risk assessment and management processes without having to factor in the entirety of the change. This allows us to approve the variation and for you to commence the testing.

When the testing is complete you can then perform your risk assessment and management processes for bringing the rail vehicles into service – and submit another application for a safety case variation that covers this aspect.

What if a change is large and/or time consuming?

Engaging with Waka Kotahi as early as possible regarding change is beneficial for all involved. This can be as simple as talking it through with your licence manager. Addressing risks at the design stage rather than at implementation is crucial for effective risk management.

When progressing with your change process, we can work with you to ensure you're managing the change and assessing the risks in a robust manner. By doing this before any actual railway activity is affected, it will make the subsequent application for a safety case variation a much smoother and faster process.

The key elements of managing change

When submitting an application for a safety case variation, it's important that you show you're adequately managing the change and its effect on your organisation's risks. This is why the additional documentation is required.

Some of the elements that may help manage your change process are outlined in the diagram on the following page.

