



# The Regulator

safe and reliable transport services for new south wales

## Message from the Chief Executive



Welcome to the mid-year edition of "The Regulator" for 2006. Over the past few months ITSRR has been working on some important safety reforms most notably national model legislation as well as NSW regulations for; accredited rail operator safety management systems, train radio communications, exemptions from accreditation, variations to accreditation, notification of operational changes to ITSRR, notification of occurrences, and safety interface agreements concerning private sidings.

These regulations are consistent with nationally agreed reforms and fulfill part of the Government's response to the Special Commission of Inquiry final report into the Waterfall rail accident.

On Friday 2 June 2006 Australian, State and Territory ministers met in Sydney and voted in favour of the proposed model National Rail Safety (Reform) Bill. This is an important step, as once it is implemented, Australia will have a consistent legislative framework for rail safety regulation across the board.

Over this period ITSRR has also worked closely with the rail industry, to develop guidance material to meet the needs of different rail sectors rather than taking a 'one size fits all' approach.

For example, ITSRR recently provided an information seminar for rail heritage operators in which it explained in more detail upcoming regulatory reforms and discussed ITSRR's proposed accreditation policy for heritage operators. It proved to be an interesting day for all parties involved and can be read about further in this issue.

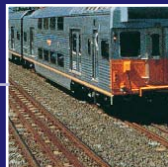
As we move into the second half of the year ITSRR will continue to build on this year's progress in working with the rail industry to improve rail safety in New South Wales.

For further information please visit our website: [www.transportregulator.nsw.gov.au](http://www.transportregulator.nsw.gov.au)

Carolyn Walsh  
Chief Executive  
ITSRR

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## Rail Safety Strategic Forum (RSSF)

The Rail Safety Strategic Forum (RSSF) has been established by ITSRR to facilitate open and transparent communication between a cross-section of stakeholders from the rail industry including ITSRR, its accredited operators and rail unions.

The first meeting was held on Wednesday 19 October 2005 and focused on the principles of the proposed national model legislation.

Since October the Forum has met on a quarterly basis to provide ITSRR, operators and unions with the opportunity to exchange ideas and a place to discuss safety issues of strategic importance facing the rail industry.

The purpose of the Forum is achieved by:

- Identifying and discussing priority rail issues, trends and concerns;
- Disseminating information to the rail industry; and
- Providing a consultation forum for ITSRR.

The Forum membership consists of the rail industry, with representation from large operators, medium sized operators, heritage and isolated operators as well as contractors and maintainers, union representatives, and representatives of ITSRR.

The NSW rail industry provides the majority of the attendees at the Forum, with the following nine organisations invited to attend: RailCorp, Pacific National, the Australian Rail Track Corporation (ARTC), Silverton, Queensland Rail, 3801 Limited, NSW Transport Museum, Barclay Mowlem and EDI.

The Forum has three representatives from the union movement: the Rail, Tram and Bus Union, the Australian Services Union and the Electrical Trades Union. The final three representatives are from ITSRR: the Executive Director of Transport Regulation Strategy (Chair), the Executive Director of Service

Reliability, and the Executive Director of Rail Safety Regulation.

David Edwards, General Manager of Safety, Health and Environment with Pacific National, believes the introduction of the RSSF is a good move.

“The Forum is an important step to introducing a formal communication platform at a strategic level,” Mr Edwards said. “From an industry perspective it is good to know what ITSRR is doing in terms of reforms and regulations. It is also a good chance to give input and help influence what ITSRR does.”

“In terms of my role personally on the RSSF, I offer a slightly different perspective as my position with Pacific National is involved with all the states (in Australia). This gives an important rationale and uniformity across the board (of standards and processes), as I can inform how other states implement certain safety regulations.”

Once the RSSF has been in operation for one year, which it will have been in October this year, a review will be conducted to see if the membership needs to be updated as other parties have expressed an interest in the Forum.

For more information on the RSSF, including the minutes from meetings, please visit our website: [www.transportregulator.nsw.gov.au](http://www.transportregulator.nsw.gov.au)

The next scheduled meeting is 9 August 2006.

To contribute to the content of

the **Regulator**

or to request information on certain topics please email

[contact@transportregulator.nsw.gov.au](mailto:contact@transportregulator.nsw.gov.au)

## ITSRR Quarter Five Waterfall Report

On 5 May 2006 ITSRR released its fifth quarterly report on the implementation of the NSW Government's response to the Special Commission of Inquiry (SCOI).

"The public reporting process associated with the Quarterly Reports on the implementation progress of the NSW Government's response sharpens both industry and public focus on rail safety," said Carolyn Walsh, Chief Executive, ITSRR.

The major areas of activity during the reporting period 1 January 2006 – 31 March 2006 include:

- A training DVD for emergency personnel covering general rail safety training with additional training days being conducted in the field as part of the establishment of a training facility for emergency services personnel;
- A new safety culture plan for RailCorp;
- New regulations to mandate requirements for the inter-operability of train radio communications between all trains operating on the NSW rail network in an emergency situation;
- Increased penalties for offences relating to interference with train doors and unauthorised use of certain safety equipment; and
- Implementation of RailCorp's safety management system and risk management framework.

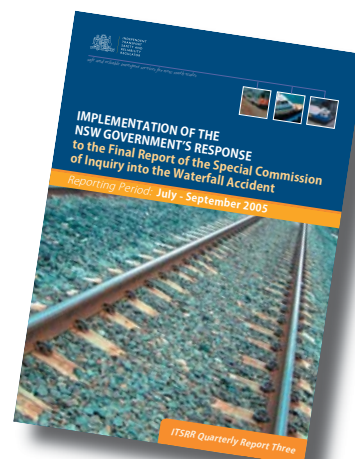
At the end of the reporting period, the cumulative implementation progress to date for all 177 recommendations (including 127 recommendations and 50 sub-elements) was as follows:

- 110 (62%) recommendations are verified and closed;
- A further 33 recommendations (19%) are currently claimed for closure by agencies and are being verified by ITSRR;
- A further 13 (7%) recommendations are due for completion by the end of 2006;
- 1 (0.5%) recommendation (the introduction of national communications technical standards) will be implemented by 2010 (unchanged from last quarter); and
- 20 (11.5%) recommendations referred to the National Transport Commission (NTC) have revised implementation timeframes based on advice from the NTC (unchanged from last quarter).

This brings the total number of recommendations currently closed or claimed by agencies to be closed (and being verified by ITSRR) to 143 or 81% of all recommendations.

Rail safety in NSW requires a comprehensive approach to achieve long lasting change to reduce the likelihood of accidents like Waterfall occurring.

ITSRR will continue to report on progress towards the NSW Government's response to SCOI, and will continue to monitor the ongoing implementation of recommendations through its audit and inspection program.



## ITSRR Information Seminar for Heritage Railway Operators

On Saturday 6 May 2006, the Independent Transport Safety and Reliability Regulator (ITSRR) held an information seminar for heritage railway operators at the Mercure Hotel in Sydney. Representatives of more than 25 heritage operators from around NSW attended the seminar. The seminar was opened by the President of Rail Heritage Australia (NSW), David Hill, who was impressed by the seminar.

"It was absolutely fabulous for a variety of reasons. From a rail perspective it was terrific to see 25, close to 30, different rail organisations in attendance," Mr Hill said.

"ITSRR picked up on the range and scope of the vast array of operators in attendance; from the little tourist operators, right through to the large scale steam operators."

Mick Quinn, the Executive Director – Rail Safety Regulation at ITSRR, provided heritage operators with an overview of recent and upcoming regulatory reforms and discussed ITSRR's proposed accreditation policy for heritage operators in light of the adoption of the National Rail Safety Accreditation Package (NAP) as a statutory guideline from 30 June 2006.

Under the proposed accreditation policy, the application of NAP to heritage railway operators would be deferred until 1 January 2007. From this date, NAP will apply to mainline and higher risk isolated line heritage operators. Lower risk isolated line operators may be exempt from some or all aspects of NAP according to the nature and scope of operations. Risk level will be assessed by reference to the operator's passenger numbers and complexity of operations.

An Le, A/Manager of ITSRR's Rail Audit Unit, talked to heritage operators about the process ITSRR applies in safety management system audits.

Robert Oliver, Manager of the Regulatory Policy Unit at ITSRR, took heritage operators through the Safety Management System Guidance for Tourist and Heritage Railway



Operators which has been recently published by the Rail Safety Regulators Panel. The guidance material was developed to assist operators to develop safety management systems which comply with NAP and can be downloaded from ITSRR's website [www.transportregulator.nsw.gov.au](http://www.transportregulator.nsw.gov.au)

During the afternoon, heritage operators participated in two workshop sessions, the first on health assessments and the second on emergency planning.

Dr Bruce Hocking, a member of the National Transport Commission's Medical Advisory Group, facilitated the session on health assessments. Dr Hocking focused the attention of heritage operators on the lessons to be learnt from Waterfall.

Jocelyn Guy of ITSRR's Safety Programs Unit provided heritage operators with detailed information on developing emergency plans.

At the completion of the seminar Mr Hill commented on how beneficial the day had been. "Everyone came away thinking how productive and worthwhile the seminar was," Mr Hill said. "ITSRR did a fabulous job with the presentations throughout the day."

"It is a pleasure to say how great an initiative it was by ITSRR, and I believe the ITSRR team would have gone away saying how their efforts in organising the event were well spent."

Presentations from the seminar can be downloaded from ITSRR's website: [www.transportregulator.nsw.gov.au](http://www.transportregulator.nsw.gov.au)

## Rail Safety (General) Amendment (Miscellaneous) Regulation 2006

In March 2006 the Governor made the Rail Safety (General) Amendment (Miscellaneous) Regulation 2006 under the Rail Safety Act 2002.

The Regulation amends the Rail Safety (General) Regulation 2003 to:

- Increase penalties for offences relating to interference with train doors and unauthorized use of certain equipment, such as communication equipment;
- Require trains to have a radio communications system and back up system;
- Permit certain offences to be dealt with by way of a penalty notice (on-the-spot-fine);
- Require railway operators to develop and implement procedures for dealing with lost property; and
- Make other minor amendments.

The Regulation commenced on 31 March 2006 (with the exception of Clause 60A Train Radio Communication which will commence on the 1 September 2006).

If you would like any further information please go to: [www.transportregulator.nsw.gov.au](http://www.transportregulator.nsw.gov.au)

## Executive Safety Seminar (ESS)

The first Executive Safety Seminar for 2006 addressed the issue of "Safety Culture", and was a forum for discussion regarding the development of an appropriate approach to Safety Culture within the rail industry.

Presentations were made by Natalie Pelham and Barbara Klampfer of ITSRR, Julia Clancy of Lloyd's Register Risk and Paul Poynton of RailCorp.

Furthermore, Clare Kitcher, RailCorp and Richard Tuck, Perisher Blue Pty Ltd participated in a panel discussion to address their organisation's view point on this issue.

The purpose of the Executive Safety Seminar was to provide a forum where regulators and people from within the rail industry could debate their roles in the rail industry in developing and measuring improvements in safety culture.

The next Executive Safety Seminar will be held on Monday, 7 August 2006 commencing at 4.00pm at The Mint. The seminar will cover the topic of 'Risk Management Frameworks'.

Further details of the seminar, including who will make presentations, will be released next month.

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