



The Regulator

safe and reliable transport services for new south wales



Message from the Chief Executive

Welcome to the final edition of *The Regulator* for 2006.

This year has been an important one for the rail industry both in New South Wales and around Australia.

The Australian Transport Council's (ATC) approval of the national model Rail Safety Bill 2006 was a significant step towards bringing Australian rail legislation into line with modern regulatory approaches for safety. With implementation of the Bill to occur in 2007, it will continue to be a busy and progressive period for the industry.

NSW has seen the introduction of guidelines for the elements of the Safety Management System (SMS) which major operators have been adopting since June this year.

Introducing the SMS Guidelines was a focus of attention and an important recommendation of the Waterfall inquiry. This represents one of the most important reforms to rail safety in NSW in many years and ITSRR has been pleased to work collaboratively with the industry to bring these new requirements into play.

This process has presented many challenges for the industry and ITSRR during 2006 and we will face new challenges as we continue to work hard to implement the Guidelines in 2007. We thank you for all your efforts in helping to make it a smooth transition.

Before we sign off on another year I would like to wish everyone a happy and safe festive season and a prosperous New Year. ITSRR looks forward to continuing to work with you all again in 2007 to provide safe and reliable transport in NSW.

For more information visit our website at www.transportregulator.nsw.gov.au

Carolyn Walsh
Chief Executive
ITSRR

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Corporate Plan 2006-09 and Annual Report 2005-06 released

ITSRR recently released its Corporate Plan 2006-09 and Annual Report 2005-06.

The **Corporate Plan 2006-09** outlines ITSRR's values, services and the results we plan to achieve in the next three years. It also details ITSRR's priorities for 2006-07. For rail safety regulation, ITSRR's primary function, these priorities include:

- targeting key safety issues with rail operators including proactive risk management, integration of safety management systems, infrastructure condition and change and fatigue management programs;
- implementing the new improved requirements for Safety Management Systems for NSW rail operators;
- supporting the NSW Government's introduction of national model legislation.

The Plan also covers priorities for ITSRR's other corporate programs – Strategic Coordination across Transport Modes, Transport Service Reliability Advice and Corporate Governance.

The Plan can be viewed on ITSRR's website or for a hard copy call 8263 7100 or email contact@transportregulator.nsw.gov.au

The **Annual Report 2005-06** was tabled in the NSW Parliament by the Minister for Transport on 30 November and provides an overview of ITSRR's performance and activities during the 2005-06 financial year.

Key achievements in rail safety regulation were:

- progress on preparing for and implementing the new Safety Management System reforms;
- the verified implementation of 75% of recommendations arising from the Special Commission of Inquiry into the Waterfall Rail Incident; and
- working with other regulators and industry to develop the national rail safety model legislation.

The Annual Report also includes three independent industry safety reports which are required under transport safety legislation - the Annual Report on Rail Safety, the Annual Report on Transport Reliability and a Cross-modal Transport Safety Report.

We welcome feedback on both the Corporate Plan and Annual Report. Please provide any comments to Kendy Burke, Senior Planning and Policy Officer, on 8263 7154.

Seminar puts the focus on SPADs

Signals Passed at Danger (SPADs) was the topic of ITSRR's final Executive Safety Seminar (ESS) for 2006, presented on Monday 4 December at the Australian Museum. Despite being held during the traditionally busy end of year period, the seminar attracted a good spread of representatives from across the rail industry.

ITSRR would like to warmly thank the three presenters: George Peters, Manager, Investigation Services, Service Delivery Group, RailCorp; Ben O'Flanagan, Senior Human Factors Consultant, Human Engineering; and Colin Andrews, Group Manager, Engineering and Operations, Lloyd's Register Rail Australia.

Each presenter provided a different insight into SPADs and how they can be managed, which provoked thought, gave members of the audience an opportunity to voice their opinions and developed discussion within the group.

ITSRR plans to continue hosting Executive Safety Seminars in 2007, with the first planned for February/March. Any feedback on seminar topics, venue, timing (including day and month), and who from your organisation should be invited is welcome and can be directed to Susan Everingham, ITSRR's Manager Strategic Communications, on 8263 7161 or via email at susan.everingham@transportregulator.nsw.gov.au

ITSRR believes events like the Executive Safety Seminars provide an important opportunity for different operators within the rail industry to meet new contacts and come together to discuss a variety of issues. We look forward to your continued support of these events in 2007.

Seventh Quarterly Waterfall Report

On 7 November 2006 ITSRR published its seventh quarterly report on the implementation of the NSW Government's response to the Special Commission of Inquiry (SCOI) into the Waterfall Rail Accident.

Further progress was made during the quarter with 13 recommendations nominated for closure by agencies and a further 12 verified and closed by ITSRR.

ITSRR validated and closed out 12 (7%) recommendations (10 RailCorp, 1 RailCorp and NSW Emergency Services and 1 ITSRR) in the following areas:

- development of an integrated safety management system for RailCorp;
- completion of a task analysis and training needs analysis for RailCorp employees;
- development and implementation of an Emergency Response Plan for the management of rail incidents;
- provision of access keys and maps identifying all access gates to Railcorp's tracks to emergency services; and
- implementation of new mandatory Safety Management Systems (SMS) Guidelines requiring accredited operators to implement and maintain a compliant SMS.

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:

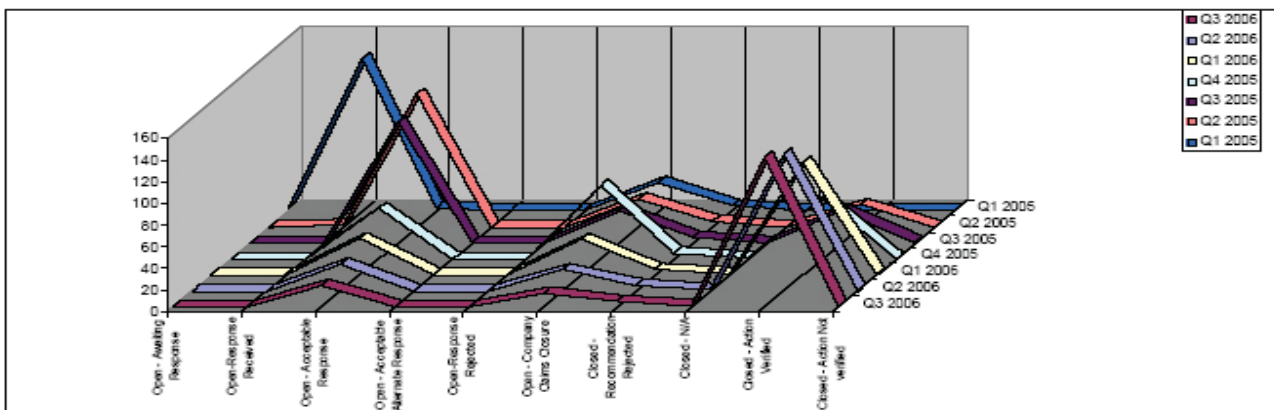
- 144 (81%) recommendations verified and closed;
- a further 13 recommendations (7%) were claimed for closure by agencies and are currently being verified by ITSRR;
- 2 (1%) more recommendations are due for completion by the end of 2006 calendar year;
- 1 (1%) recommendation (the introduction of national communications technical standards) will be implemented by 2010; and
- 17 (10%) recommendations referred to the National Transport Commission (NTC) have revised implementation timeframes based on advice from the NTC.

This brings the total number of recommendations currently closed or claimed by agencies to be closed (and being verified by ITSRR) to 157 or 89% of all recommendations.

ITSRR will publish its eighth Waterfall Report early in 2007 so keep an eye on the website for its release.

If you would like to read the seventh Waterfall Report in full or any past editions of the report, go to the Publications section of ITSRR's website www.transportregulator.nsw.gov.au or request a hard copy by sending an email to contact@transportregulator.nsw.gov.au

GRAPH 1: PROGRESSIVE STATUS ALL RECOMMENDATIONS BY QUARTER



Drug and Alcohol course

ITSRR has developed a non-mandatory model training course to assist accredited railway operators to meet new requirements relating to drug and alcohol testing.

Following the amendment of the Rail Safety (Drug and Alcohol Testing) Regulation 2003 and the Guidelines Relating to Drug and Alcohol Programs on 4 August 2006, accredited railway operators are required to train and authorise their drug and alcohol testing officers.

Railway operators are required to train their testing officers in accordance with Schedule 1 of the Guidelines by 31 March 2007. ITSRR extended the original deadline of 1 January 2007 to allow operators more time to implement the new requirements.

Schedule 1 includes the following requirements:

- that testing officer training be conducted by trainers who hold a Certificate IV in Training and Assessment qualification (or equivalent); and
- that testing officers must be trained in the topics listed in Schedule 1 of the Guidelines, to the extent that the topics are relevant to the testing officers' role and functions under the drug and alcohol program of the operator who authorised them.

Railway operators should ensure that the content of their testing officer training course is revised and updated as necessary to ensure it accurately reflects any changes to the relevant legislation, the Guidelines and their drug and alcohol program.

The model training course, which can be tailored to individual rail operators' needs, is available on ITSRR's website at www.transportregulator.nsw.gov.au/D&A_Training_Course.html

Changes to Guidelines for Certification of Competency

Railway operators can now issue certificates of competency, whether they are accredited or not, following amendments to the Guidelines for Certification of Competency which came into effect on 24 November 2006.

The amendments also reflect new terminology for the certification requirements for competency assessors, in line with the revised Australian Quality Training Framework standard. Section 5.2 (b) (iii) of the Guidelines previously referred to Category Two and Category Four qualifications. These terms are now out of date, although those qualifications are still recognised as valid.

Accordingly, section 5.2 (b) (iii) of the Guidelines has been replaced by the following:

- for training assessment – possess a minimum of the three stated competencies from the Training and Assessment Training Package (TAA04) or is able to demonstrate equivalent competencies;
- for training delivery – possess the stated Certificate IV in Training and Assessment from the Training and Assessment Training Package (TAA04) or is able to demonstrate equivalent competencies.

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