



The Regulator

safe and reliable transport services for new south wales



Message from the Chief Executive

Welcome to the seventh edition of The Regulator and the first for 2007.

So far 2007 has proved to be extremely busy. ITSRR's focus has been on the release of the consultation draft of the NSW Rail Safety Bill 2007 and the development of supporting Regulations and Guidelines for the National Model Legislation. The NSW Government has indicated its commitment to having the new legislation in place by 1 July 2007 and ITSRR is working to deliver on that.

I have found the process of chairing the National Steering Committee and advising the National Transport Commission on this issue to be very rewarding over the last couple of years. There has been a lot of open and constructive debate between the industry and regulators to progress the reforms and the fact that we have now reached the stage where the various jurisdictions are putting through the legislation is very positive for the rail industry.

I believe the Bill is a significant enhancement for rail safety on a national level and from that point of view I welcome the fact that we are at the implementation stage. A four-week public consultation period on the Bill ended on 23 March and you will find details of forthcoming consultations on the Regulations and Guidelines elsewhere in this edition. I encourage the rail industry to participate in those consultations.

On a personal note, I would like to acknowledge the recent retirement of two ITSRR staff members – Bob McCallum and Allan McVay – who have each given more than 40 years of service to the rail industry.

I wish both Bob and Allan all the best in their retirements and thank them for providing their expert knowledge over the past few years with ITSRR.

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

Carolyn Walsh
Chief Executive
ITSRR

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Implementation of nationally consistent rail safety laws

The enactment of a new legislative framework for rail safety in NSW has moved a step closer with the commencement of a series of public consultations.

ITSRR released the Rail Safety Bill 2007 – developed with NSW Parliamentary Counsel and based on the National Model Bill (NMB) approved by the Australian Transport Council (ATC) in June 2006 – for public consultation in late February. The Bill will replace with NSW Rail Safety Act 2002. ITSRR will release feedback from the consultation process – which closed on 23 March – on its website over the coming weeks.

Consultation on national non-mandatory guidelines that provide assistance to operators in meeting their obligations under the new regime commenced in March and will run through until 9 May. The guidelines cover topics including safety management systems, accreditation and the concept of “so far as is reasonably practicable” (SFAIRP).

ITSRR is currently drafting Regulations to support the Rail Safety Bill 2007 and these are scheduled for release for public comment in May 2007.

ITSRR will issue information alerts to accredited operators and industry bodies with advice on consultation periods and information is also available on ITSRR’s website – http://www.transportregulator.nsw.gov.au/national_model_legislation.html - or by sending an email to contact@transportregulator.nsw.gov.au

Drug and alcohol training to support new testing requirements

Around 40 drug and alcohol testing officers attended two ITSRR training workshops to prepare for new requirements for industry that took effect at the end of March.

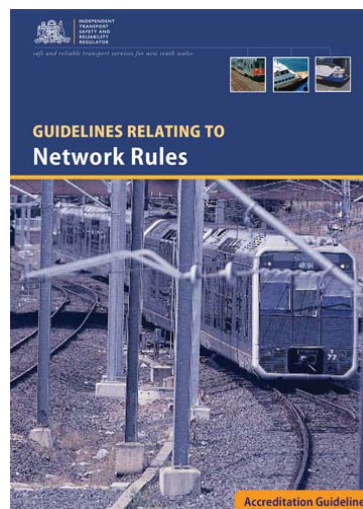
The Guidelines relating to Drug & Alcohol Programs specify that accredited railway operators must have trained their testing officers in accordance with Schedule 1 of the Guidelines by 31 March 2007.

ITSRR held two free one-day workshops for testing officers on 19 February and 5 March. Participants provided positive feedback on the sessions which were based on ITSRR’s model training course.

The model course was developed to assist railway operators in meeting the training requirements outlined in Schedule 1. It is available on ITSRR’s website at: <http://www.transportregulator.nsw.gov.au/aboutUs/training.html>

For more information or advice, contact Cathy Dowe in ITSRR’s Regulatory Policy Unit on (02) 8263 7142 or Alan Lidbetter, Manager, Security and Compliance Investigation, on (02) 8263 7140.

Guideline promotes consistency in network rules



A new guideline designed to promote and facilitate the unified development of network rules in NSW was released by ITSRR at the end of January.

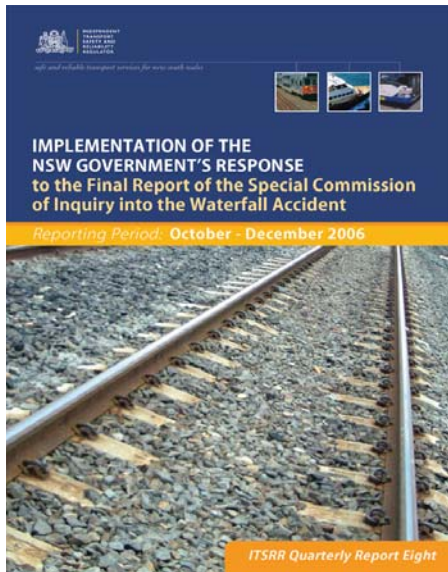
The Rail Safety (Network Rules) Guideline was developed in consultation with industry and is

intended to ensure, as far as possible, that the same network rules are applied across the NSW rail network.

The Guideline provides:

- mandatory stakeholder consultation on proposed amendments to network rules;
- ITSRR approval of proposals that will result in different rules on the ARTC and RailCorp networks;
- a mechanism for dispute resolution; and
- procedures for communicating emergency network rule amendments.

Eighth quarterly Waterfall Report shows continued progress



In early February ITSRR published its eighth quarterly report on the implementation of the NSW Government's response to the Waterfall rail accident.

At the end of the reporting period (1 October to 31 December 2006) the total number of recommendations closed or claimed by agencies to be closed (and being verified by ITSRR) was 158 or 89% of all recommendations.

The cumulative implementation progress to date for all 177 recommendations (including 127 recommendations and 50 sub-elements) was as follows:

- 149 (84%) recommendations verified and closed;

- 9 recommendations (5%) claimed for closure by agencies are continuing to be verified by ITSRR;

- 1 (0.5%) recommendation (the implementation of automatic train protection) previously claimed for closure by agencies has been given a revised target date with its status amended to open-acceptable response;

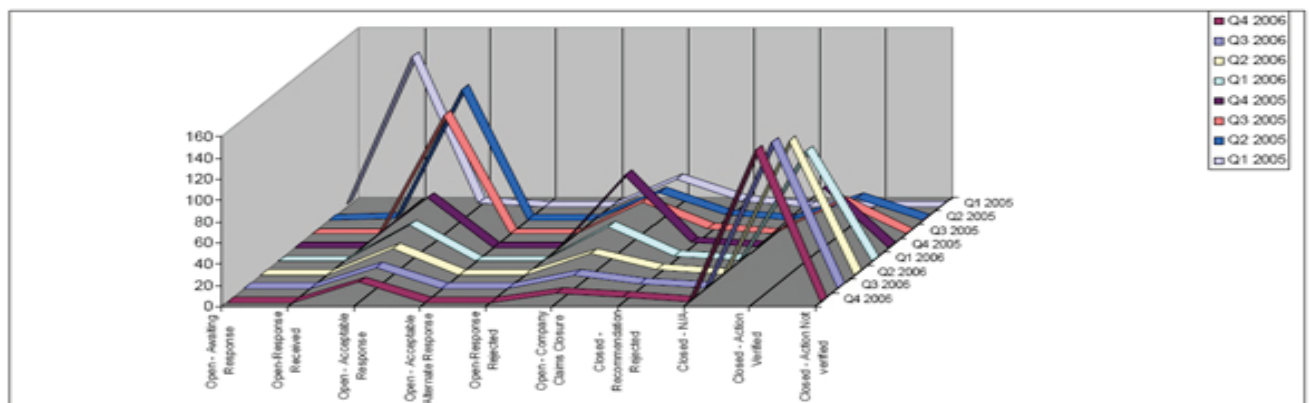
- 1 (0.5%) recommendation (the introduction of national communications technical standards) will be implemented by 2010; and

- 17 (10%) recommendations referred to the National Transport Commission (NTC) have revised implementation timeframes based on advice from the NTC.

During the quarter covered by the report, ITSRR validated and closed out recommendations (all pertaining to RailCorp) in the following areas:

- Training of guards in the use of the MetroNet radio system in an emergency;
- Development of risk-based training needs analysis;
- Development of a new passenger containment policy;
- Clear safety accountability statements and reporting lines for all management positions; and
- Recertification plans to ensure the safety competency levels of managers are of an adequate standard.

GRAPH 1: PROGRESSIVE STATUS OF ALL RECOMMENDATIONS BY QUARTER



Rail industry farewells stalwarts

ITSRR has sadly farewelled two of the State's most dedicated and long-serving rail industry employees – Allan McVay and Robert "Bob" McCallum.

With a combined 84 years service their expertise and knowledge will be greatly missed.

Allan began his career in 1961 with the Department of Railways as a junior service apprentice fitter. During his time with the Department he was involved in many facets of the industry principally related to the maintenance of rollingstock within the locomotive fleet.



Allan McVay with his wife Glenys and ITSRR Chief Executive Carolyn Walsh.

In 1996 Allan took on a position with the then regulator, the Transport Safety Bureau, where he worked in the Mechanical Branch. In 2005 Allan was honored with a NSW Service Medallion in recognition of 40 years' meritorious service.

Allan finished his career working with ITSRR as a Transport Safety Officer predominately working with heritage operators.

Bob's career in the rail industry was mainly spent working with the State Rail Authority, where he started out in 1965.



Bob (left) and Allan (right) at Allan's farewell in February.

After working with State Rail for almost 30 years Bob joined Allan in moving to the Transport Safety Bureau in 1996, which became ITSRR in 2003.

Bob's speciality in the industry was safe working rules, which was an area he was instrumental in when the network divided into two - the Australian Rail Track Corporation (ARTC) and RailCorp. Bob ensured that the network rules remained the same on both networks to avoid confusion for operators.

Bob finished his 10-year career with the regulator working as a Senior Audit and Compliance Officer where he preferred working with heritage operators.

Bob and Allan were extremely well-liked characters throughout ITSRR and the rail industry, and ITSRR would like to thank them and wish them well in their future endeavours.

Contact Details

Independent Transport Safety and Reliability Regulator

Email: contact@transportregulator.nsw.gov.au

PO Box A2633
Sydney South

NSW 1235

Lvl 22, 201 Elizabeth St

Sydney NSW 2000

Phone: 02 8263 7100

www.transportregulator.nsw.gov.au

