

The Regulator



INDEPENDENT
TRANSPORT
SAFETY AND
RELIABILITY
REGULATOR

safe and reliable transport services for new south wales

Message from the Chief Executive



Welcome to the second edition of The Regulator for 2007.

In this edition we provide an update on the status of implementing the National Model Bill and supporting regulations in NSW. The autumn session of Parliament ended on 29 June 2007 and the spring session commences on 25 September 2007. As the NSW Rail Safety Bill 2007 has not yet been introduced into Parliament, NSW did not meet its commitment under the Inter-Governmental Agreement to implement the National Model Bill by 1 July 2007.

There are no significant implications in relation to NSW not meeting its commitment under the Inter-Governmental Agreement as there is no immediate risk to safety, particularly as NSW has already moved towards the framework set out in the National Model Bill through amendments to the NSW Rail Safety (General) Regulation 2003 made in July 2006, and there is no financial penalty.

In the meantime, ITSRR will continue the vital processes of establishing new systems to support the new legislation, consulting with industry – the NSW regulations to support the Bill will be released in August – and working closely with Regulators in other jurisdictions to improve coordination and consistency in approaches to rail safety regulation across the country.

On page two in this edition ITSRR congratulates 13 staff members who recently completed the Graduate Certificate in Transport Safety course at the University of NSW. ITSRR strongly believes in skill development in this important area and will continue to invest in further educating its employees.

ITSRR is also always interested to learn more about good regulatory practice around the world and recently enjoyed a visit from Aidan Nelson, former Director of the UK Rail Safety Standards Board, to discuss a range of rail safety regulation issues.

To find out more about Aidan's visit and other news from the past quarter, read on or visit ITSRR's website at www.transportregulator.nsw.gov.au

Carolyn Walsh
Chief Executive
ITSRR

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Implementation of nationally consistent rail safety legislation

Since 2005 ITSRR has worked with the National Transport Commission (NTC), the NSW rail industry and other Australian regulators to develop and introduce nationally consistent rail safety legislation.

NSW is committed to reforming the Rail Safety Act 2002 to improve safety management and strengthen rail safety regulation. As such, ITSRR released the Draft NSW Rail Safety Bill 2007 for public consultation in March 2007 and has since developed draft regulations to be released for consultation in July 2007.

ITSRR received 12 public submissions in relation to the Bill. A number of these submissions raised complex issues which have taken time to fully consider. As a result of the consultation process taking longer than expected, there will not be time for the revised Bill to be introduced into Parliament in the current session which ended on 29 June.

This means that NSW will not meet its commitment under the Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport to implement local legislation based on the National Model Bill by 1 July 2007. With the exception of Victoria, no other jurisdiction implemented the National Model Bill by this date.

ITSRR now expects that the Rail Safety Bill 2007 will be introduced into NSW Parliament in the spring session which commences in late September 2007.

During July 2007 ITSRR will provide feedback to stakeholders in relation to comments on the consultation draft Rail Safety Bill 2007. Consultation on the Regulations, which is expected to occur in August 2007, will also provide an opportunity to identify any further issues with the NSW Rail Safety Bill 2007 which need to be resolved before its introduction into Parliament.

For more information on the National Model Legislation, visit ITSRR's website at www.transportregulator.nsw.gov.au/changing_rail_safety_laws.htm

ITSRR officers complete studies

Thirteen ITSRR officers recently completed tertiary qualifications that will enhance their ability to work with rail operators to reduce risks and improve safety in NSW.

The staff members are the first from ITSRR to complete the Graduate Certificate in Transport Safety at the University of New South Wales. The course covers the critical areas of risk management, safety management systems, human factors in transport safety, and auditing rail safety management systems.

The course is supported as part of ITSRR's Professional Development Program and is designed to complement the field knowledge and expertise of ITSRR's rail safety officers by challenging them to develop and apply analytical and decision-making skills which are vital in the complex rail industry.

A further 12 ITSRR officers are currently undertaking the UNSW course which is an important part of ITSRR'S commitment to the professional development of its authorised officers.



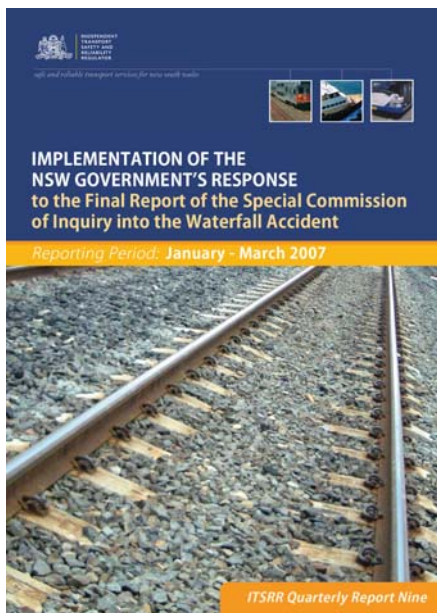
ITSRR's graduates with Chief Executive, Carolyn Walsh.

Back row from left: Stuart Hudd, Ian Cochran, John Gorman, Stuart Kean.

Middle row from left: Reiner Mangulabnan, Mark Buckley, David Pearson, Gil Elliot.

Front row from left: Carolyn Walsh, Kevin Kitchen, Jennifer Alcock, Carolyn Boden, An Le and ITSRR Advisory Board member Professor Jean Cross.

More Waterfall inquiry recommendations closed



The ninth quarterly report on the implementation of the NSW Government's response to the Waterfall rail accident was published by ITSRR in May 2007.

During the period covered by the report (1 January to 31 March 2007) ITSRR verified and closed 8 (5%) recommendations (5 RailCorp and 3 ITSRR) in the following areas:

- Development of consistent rollingstock standards;
- Annual revision of train maintenance plans;
- Establishment of a comprehensive safety document management system for RailCorp;

- Standard communications procedures in network rules; and
- Quality control measures for medical examinations.

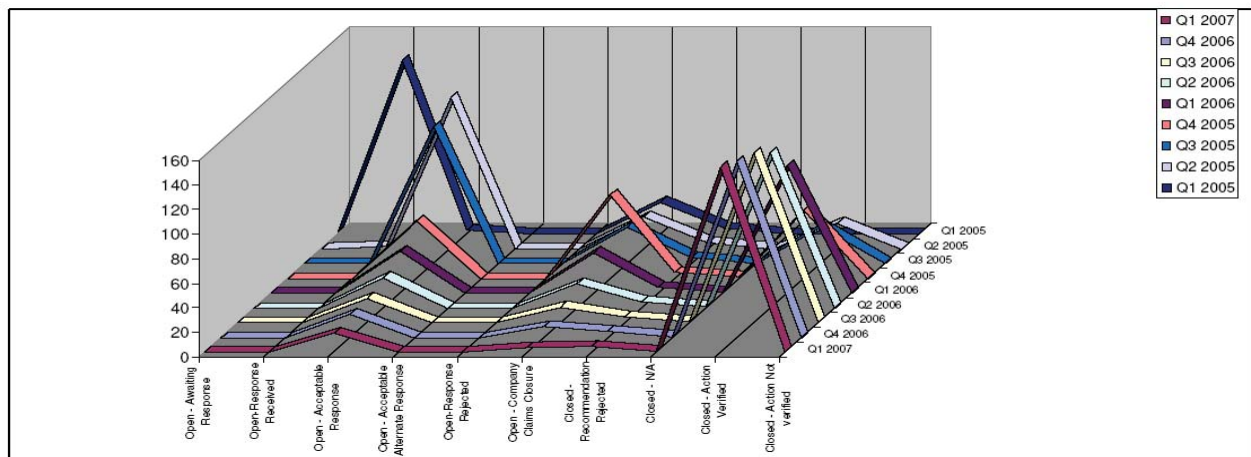
At the end of the reporting period, the cumulative implementation progress to date for all 177 recommendations (including 127 recommendations and 50 sub-elements) was as follows:

- 157 (9%) recommendations verified and closed (including 5 that were rejected by the NSW Government and 1 which is no longer applicable);
- 4 recommendations (2%) claimed for closure by RailCorp are being verified by ITSRR;
- 1 (0.5%) recommendation previously claimed for closure by agencies has been given a revised status - open-acceptable response;
- 1 (0.5%) recommendation (the introduction of national communications technical standards) will be implemented by 2010; and
- 14 (8%) 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 161 or 91% of all recommendations.

The ninth Waterfall Report can be found on ITSRR's website at www.transportregulator.nsw.gov.au/publications/reports/waterfall_reports07/waterfallreports07.html

GRAPH 1: PROGRESSIVE STATUS OF ALL RECOMMENDATIONS BY QUARTER



Visit by UK rail expert

ITSRR staff and industry representatives were given an international perspective on several key rail issues at recent workshops with former Director of Policy and Strategic Initiatives with the UK Rail Safety and Standards Board (RSSB), Aidan Nelson, who visited ITSRR in June.

ITSRR staff and representatives from the Australasian Railway Association and the Rail Safety Regulators Panel participated in a workshop to discuss options for the proposed governance of the Rail Industry Safety Standards Board and its relationship with regulators in the development and approval of standards.

Aidan's experience and background in this area proved invaluable in facilitating discussion between industry, representative regulators and the National Transport Commission.

Staff workshops compared the ATP trial being undertaken by RailCorp in NSW to that previously conducted in the UK and looked at the European experience in regulating the tourist and heritage sector.

The workshops provided some valuable information that ITSRR will incorporate into its approaches on these issues.



Aidan Nelson presents to ITSRR staff during his visit in June 2007.

Data loggers guidance

ITSRR has developed and published guidance material concerning the use of data loggers on rolling stock operating within NSW.

The guidance material is designed to assist in ensuring that all rolling stock operating in NSW are fitted with serviceable and operating data loggers so that, in the event of an accident or incident, investigators can access, read and use the information that is contained on the data logger to assist in any investigation. It was developed with input from the industry and unions via ITSRR's Rail Safety Strategic Forum.

As the implementation of national standards on data loggers will take up to three years to finalise it is proposed that the ITSRR guidance material be adopted in NSW in the interim.

The guidance material does not stipulate the type of equipment that must be installed, but rather outlines parameters which ought to be collected so that the data will be of use to investigators should the need arise and calls for regular maintenance, testing and appropriate security procedures to ensure the device is serviceable.

The data loggers guidance material can be accessed via ITSRR's website at www.transportregulator.nsw.gov.au/rules/documents/data_loggers_guidance.pdf

Inquiries concerning the guidance material can be directed to Jocelyn.Guy@transportregulator.nsw.gov.au

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