

The Regulator



INDEPENDENT
TRANSPORT
SAFETY AND
RELIABILITY
REGULATOR

safe and reliable transport services for new south wales



Message from the Acting Chief Executive

Since the last edition of The Regulator, ITSRR has been pushing ahead with the next phase of implementing the National Model Legislation in NSW, with a focus on finalising and consulting on the draft Regulations.

The Regulations were released for a six-week consultation in mid-September and it was pleasing to see around 35 industry representatives at an information session held by ITSRR on 24 September. While the focus of the current consultation is on the draft Regulations, it is also another opportunity to identify any issues that need to be

addressed in the *Rail Safety Bill 2007* before it is introduced into Parliament. That being the case, I would encourage everyone to have a close look at the Regulations and take the opportunity to raise any issues with ITSRR. More information on the Regulations and the consultation is available in this edition of The Regulator.

Recently many stakeholders would have received copies of ITSRR's Corporate Plan Priorities 2007-08. Not surprisingly, the successful implementation of many of those priorities is dependant on our collaboration with rail operators and other stakeholders. Find out more about ITSRR's priorities for this financial year on page 4.

Turning to priorities that have already been delivered, ITSRR verified and closed out another 10 Waterfall recommendations during the most recent reporting quarter, taking the total recommendations now closed to 94%. As the last Quarterly Report published by ITSRR shows, a further three recommendations are claimed for closure and those remaining are either scheduled for completion by the end of 2007 or of a longer term nature, requiring new technology or changes to standards.

Finally, ITSRR is hosting a couple of important events in November. The first is an Executive Safety Seminar focusing on the independent certification of rolling stock on 19 November. With presentations and a panel discussion featuring speakers from the rail, aviation, maritime and the heavy vehicle industries, this event promises to generate some interesting debate.

Our second event, on November 20, will provide an opportunity for operational, training and safety managers in the rail industry to network with trainers and human factors specialists to learn more about better managing human error through rail resource management (RRM). The event also marks the publication of the Guidelines on RRM – a resource for the rail industry. Find out more in the following pages.

Mick Quinn
A/Chief Executive
ITSRR



In this edition

▶ Draft NSW Regulations	2
▶ Seminar to focus on rail certification	2
▶ Rail and bus safety review	3
▶ Tenth quarterly Waterfall report	3
▶ Corporate Priorities 2007-08	4
▶ Submission to IPART on CityRail fares	5
▶ Rail resource management	5

Industry invited to comment on draft NSW Regulations

ITSRR has urged the rail industry to participate in the six-week consultation on draft NSW Regulations which is currently underway.

The NSW Regulations adopt the National Model Rail Safety Regulations approved by the Australian Transport Council (ATC) in December 2006 following extensive industry consultation.

The draft Regulations specify more detailed requirements that are not appropriate for inclusion in the Rail Safety Bill 2007 and mandate specific regulatory requirements applicable to parties responsible for rail safety.

Elements of the current NSW legislative framework and conditions of accreditation will be maintained as follows:

- existing guidelines relating to network rules, fatigue management, and drug and alcohol programs
- train radio communications provisions which implement recommendations of the Special Commission of Inquiry into the Waterfall Rail Accident
- certain requirements relating to fatigue management.

ITSRR is inviting public comment on a general regulation and regulations covering drug and alcohol requirements.

The Rail Safety (General) Regulation 2007 covers:

- requirements for applying for and varying terms of accreditation

- statutory conditions of accreditation
- mandatory and prescribed SMS requirements
- obligations relating to the health and fitness and competence of rail safety workers
- categories of accreditation fees payable.

The Rail Safety (Drug and Alcohol Testing) Regulation 2007 outlines offences relating to alcohol and other drugs and requirements for testing programs for drugs and alcohol. It does not introduce new requirements but simply brings the existing mandatory requirements from the Drug and Alcohol Guideline into the new regulatory regime.

Comment on the draft Regulations can be provided to ITSRR until Friday 26 October 2007. Submissions should be marked 'Attention: Consultation – NSW Regulations 2007' and can be submitted by:

- post – Independent Transport Safety and Reliability Regulator, PO Box A2633, Sydney South, NSW 1235
- fax – (02) 8263 7287
- email – contact@transportregulator.nsw.gov.au

To view the draft Regulations, tables comparing the drafts with existing regulations and guidelines and the National Model Regulations, visit ITSRR's website at:

http://www.transportregulator.nsw.gov.au/regulations_consultation.html

Seminar to focus on rail certification

Independent certification – how could it and should it work in the Australian rail industry and what can rail learn from the aviation, heavy vehicle and maritime sectors?

These questions and more will be debated at the next Executive Safety Seminar (ESS) to be hosted by ITSRR at The Mint on Monday 19 November 2007.

The seminar will feature presentations from speakers from the rail, maritime, heavy vehicle and rail industries followed by a panel discussion. For more information see the invitation at:

<http://www.transportregulator.nsw.gov.au/aboutUs/documents/ESSNovember07.pdf>

Rail and bus safety review

NSW Minister for Transport, John Watkins, has commissioned an independent safety “health check” of the state’s rail passenger and mass passenger metropolitan bus services.

The review is being chaired by Len Neist, Head of Safety Systems Assurance at Booz Allen Hamilton and a member of ITSRR’s Advisory Board. ITSRR’s Executive Director Rail Safety Regulation, Mick Quinn, and Safety Projects Manager, Carolyn Boden, are on the review team reporting directly to Mr Neist.

The review will look at progress in safety reform and the implementation of mature safety systems in NSW rail and bus passenger services.

It will also identify opportunities for further improvement. It is not intended to be a compliance review for the purposes of enforcement under any Act.

The review will focus on bus companies (including State Transit) operating under the Metropolitan Bus System Contracts for the Sydney Metropolitan Area. In rail it will review RailCorp as the major provider of mass passenger rail services in NSW.

The review will not examine ferry safety in light of the current Special Commission of Inquiry into Sydney Ferries.

Mr Neist is expected to provide a final report to the Minister no later than 15 November 2007.

Tenth quarterly Waterfall report

ITSRR has published the tenth Quarterly Waterfall Report, covering the period 1 April – 30 June 2007.

The report shows further progress was made during the most recent quarter with the verification and closure of 10 (6%) recommendations in the area of passenger safety. All of these recommendations were the responsibility of ITSRR.



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:

- 167 (94%) recommendations verified and closed
- 3 (2%) recommendations have slipped
- 2 (1%) recommendations previously claimed for closure by agencies have been given a revised status – open-acceptable response
- 1 (1%) recommendation (the introduction of national communications technical standards) will be implemented by 2010
- 4 (2%) recommendations referred to the National Transport Commission (NTC) have revised implementation timeframes based on advice from the NTC.

The tenth Waterfall Report is available on ITSRR’s website:

http://www.transportregulator.nsw.gov.au/publications/reports/waterfall_reports07/Waterfall_Report_Ten.pdf

A report for the period 1 July to 30 September 2007 will be released in November.

Corporate Priorities 2007-08 released

ITSRR has published its Corporate Plan Priorities 2007-08 for its four programs – rail safety regulation, strategic coordination of safety across transport modes, transport service reliability advice and corporate governance.

The priorities sit within ITSRR's Corporate Plan 2006-09 which outlines ITSRR's approaches and longer term intended results.

The 2007-08 priorities were developed using an internal risk assessment process and consultation with internal and external stakeholders including members of ITSRR's Rail Safety Strategic Forum (RSSF) comprising industry and union representatives.

The priorities for rail safety regulation focus ITSRR's attention on specific issues such as contractor management and signals passed at danger (SPADs), whilst also dealing with broader strategies such as assisting tourist and heritage rail operators to be aware and compliant with new rail safety requirements.

Another important focus for ITSRR will be the passage of the draft NSW Rail Safety Bill 2007 through Parliament and its subsequent implementation.

ITSRR plays a leadership role in coordinating safety regulation across the three transport modes – rail, bus and ferry – through its work with the Ministry of Transport and NSW Maritime.

A major achievement last year was the application of a consistent framework to monitor and report on the implementation of independent investigation accident reports across the three modes.

This year's priority is to report publicly on these outcomes to ensure that continuous learning and improvement follows safety incidents and accidents.

ITSRR will utilise its strong research and assessment capabilities to continue its reporting on the reliability and sustainability of the publicly funded transport network.

This year it will involve reporting on relevant transport aspects of the NSW State Plan as well as the 2008 CityRail timetable.

ITSRR's corporate governance program supports its core program work.

This year ITSRR will continue to build its information, reporting and intelligence systems. One aspect of this will involve working towards ISO 9001 quality certification of its rail safety regulatory business systems.

ITSRR's Corporate Plan Priorities 2007-08 is available on the website at:

http://www.transportregulator.nsw.gov.au/aboutUs/corporate_plan.html



Submission to IPART on CityRail fares

ITSRR recently made a submission to the Independent Pricing and Regulatory Tribunal (IPART) 2007 review of CityRail fares as part of its role of advising on public transport reliability.

The submission focused on service quality. It noted that ITSRR's 2006 independent survey of CityRail customers showed an improvement in customer satisfaction which was largely driven by improved punctuality and fewer delays and train cancellations.

ITSRR noted that CityRail's 2005-06 timetable reduced peak and off peak services to improve operational performance and the Transport Reliability Report 2005-06 identified challenges for CityRail in matching train services with passenger demand, suggesting the need to reconsider the definition of "peak hours".

ITSRR has proposed that while the on-time running measure should be retained for operational purposes, ITSRR's view is that it should be supplemented by a measure of customer delay which would be a better indicator of customer experience on the CityRail network.

ITSRR's submission to IPART is available on the website at: www.transportregulator.nsw.gov.au/publications/reports.html

ITSRR will also make a submission to an IPART review to determine a new regulatory framework for CityRail fares to be completed by May 2008.

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

Industry encouraged to embrace Rail Resource Management

ITSRR will host an event in Sydney on 20 November 2007 to promote 'Rail Resource Management' (RRM) as a method of mitigating the risk of human error in railway operation.

Effective 'resource management' is about people making better use of available resources including team members, equipment, information and procedures.

ITSRR and Public Transport Safety Victoria have been working with the rail industry (including the Australasian Railway Association) to develop a national Rail Resource Management Training Program for rail safety workers.

The project is designed to provide rail operators with support including (non-mandatory) comprehensive guidelines and generic training materials.

The guidelines will be formally released at the 20 November event which will also give operational, training and safety managers in the rail industry an opportunity to network with trainers and human factors specialists and learn more about RRM.

Details of the event will be provided soon, but if you would like to find out more information contact Andrew Crichton at ITSRR on andrew.crichton@transportregulator.nsw.gov.au or call 8263 7113.

