



## Message from the Chief Executive

I welcome this opportunity to introduce myself as ITSRR's new Chief Executive. Firstly, I'd like to thank Carolyn Walsh for her exceptional efforts in leading ITSRR through its formative years.

I consider myself truly privileged to be taking over leadership of an organisation that is in such great shape and well prepared for the next phase of its development. Thanks for this goes in no small part to Carolyn.

Carolyn provided strong leadership to ITSRR and the transport industry from the very beginning when ITSRR commenced operations on 1 January 2004. She led rail safety in NSW in implementing the Government's response to the Waterfall Special Commission of Inquiry; she was a prime factor in the success of the development of National Model Legislation; and she was successful in promulgating the *NSW Rail Safety Act 2008*. It is upon this strong foundation that I now take over as Chief Executive. I wish Carolyn well in her future endeavours.

The first half of the year has seen ITSRR working closely with the rail industry to promote better understanding of the *NSW Rail Safety Act 2008* and its regulations. Initially we held industry briefings to provide an overview of the new legislation and to outline more detailed information available on ITSRR's website. We have now completed a follow up series of industry briefings to explain specific obligations for registration of private sidings and the co-management of rail and road crossings through interface agreements (see details on page 3).

As part of the new safety regime, ITSRR introduced penalty notices from 1 July 2009. Penalty notices are another regulatory tool for ITSRR's Rail Safety Officers, allowing them to issue fines for breaches against the Act and regulations rather than moving to formal prosecution (more information on page 4).

In the next six months, I will be visiting heritage rail transport operators as part of ITSRR's ongoing compliance program to assess compliance with rail safety legislation in this sector. The visits follow ITSRR's request for all heritage operators to participate in hazard identification workshops. A number of operators responded appropriately and the onsite workshops for these operators will take place from August onward. Those operators that did not respond to the request can anticipate inspections by ITSRR's Rail Safety Officers during the same period.

Additionally, several large projects, such as RailCorp's new rollingstock procurement and the Sydney Metro, are moving through phases in development that will bring about new challenges for both ITSRR and the operators. Engaging with ITSRR early in the process will prove a key factor in the successful introduction into service of these projects.

Finally, the NSW Government announced changes to the public service and ITSRR will take its place in the new Transport and Infrastructure agency. However, ITSRR will retain its independence in providing safety regulation and reliability advice by reporting directly to the Minister for Transport.

I look forward to building on Carolyn's strong foundation in working with the rail industry and NSW Government to promote safe and reliable transport.



Len Neist,  
ITSRR Chief Executive



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## ITSRR conducts drug and alcohol consultation

A six-week consultation period on a discussion paper that proposes changes to the drug and alcohol testing regulations for the New South Wales rail industry closes soon. The opportunity to comment on the discussion paper closes on **Friday 10 July 2009**.

The proposed changes will strengthen the *Rail Safety (Drug and Alcohol Testing) Regulation 2008* bringing it into line with similar regulations for the road and aviation sectors.

Specifically, the discussion paper examines proposals to:

- provide for oral fluid (saliva) testing to detect the presence of certain drugs; and
- introduce offences for the presence of certain drugs.

In addition, the discussion paper examines a proposal to require on-site urine drug screening to comply with AS/NZS 4308:2008, *Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine*.

The discussion paper can be viewed on ITSRR's website at the following link:

[www.transportregulator.nsw.gov.au/documents/discussion\\_paper\\_amendment\\_d&a\\_reg.pdf](http://www.transportregulator.nsw.gov.au/documents/discussion_paper_amendment_d&a_reg.pdf)

Submissions should be marked "Attention: Consultation – Discussion Paper on the Proposed Amendment of the Rail Safety (Drug and Alcohol Testing) Regulation 2008" and can be submitted by:

- **post** - Independent Transport Safety and Reliability Regulator, PO Box A2633, Sydney South, NSW 1235;
- **fax** – (02) 8263 7200; or
- **email** – [contact@transportregulator.nsw.gov.au](mailto:contact@transportregulator.nsw.gov.au)

More information about the discussion paper is available in an [Information Alert](#) on ITSRR's website.

## Drug & Alcohol Testing Officer Training Workshop

ITSRR reports that bookings have been strong for a series of free drug and alcohol testing officer training workshops run throughout June and July for accredited rail operators.

About 50 participants are expected to attend one of three testing officer workshops.

The workshops are based on the model training course, which was developed by ITSRR to assist rail operators in meeting the training requirements outlined in the *Rail Safety (Drug & Alcohol Testing) Regulation 2008*.

Materials from ITSRR's model training course can be downloaded from the following website link:

<http://www.transportregulator.nsw.gov.au/aboutUs/training.html>

ITSRR plans to hold more testing officer workshops later this year or early in 2010 and will advertise dates through its website.

## Workshops for heritage operators

ITSRR will be holding free on-site hazard identification workshops for many of NSW's heritage rail transport operators during the second half of this year to provide assistance with meeting their safety obligations under the *Rail Safety Act 2008* and its regulations.

The voluntary workshops were offered by ITSRR to assist operators to analyse operational hazards with a view to assisting operators in identifying appropriate controls and managing their risks.

ITSRR's CEO, Len Neist, said the heritage operators who take advantage of the free workshops would be better prepared for ITSRR's inspection and audit program to assess heritage operator's compliance with the safety obligations under the *Rail Safety Act 2008* and its regulations.



## Update on human factors tools

Development of three separate incident investigation tools aimed at better management of human factors in the rail safety environment has been progressing well.

The tools address human factors risk management in the areas of Signals Passed at Danger (SPAD), Level Crossings and Worksite Protection.

By the end of July, ITSRR will publish a practical tool to assist in the investigation of SPAD incidents on its website. The tool will also suggest mitigation measures for particular human factors SPAD related problems.

Work on a level crossing human factors investigation toolkit is well underway with a trial of its use on previous level crossing collisions. This task has been carried out by Dédale Asia Pacific on behalf of ITSRR and has provided some valuable new insights into the contributing human factors in level crossing incidents. A revised investigation tool will be published on ITSRR's website in early August.

ITSRR is also developing a worksite protection toolkit. A number of workshops have been conducted by Lloyds Register Rail on ITSRR's behalf to examine factors identified in worksite protection incidents.

The workshops have involved train drivers, signallers, train controllers, protection officers and industry managers of worksite protection to provide a 'real world' view of worksite protection incidents and the human factors which contribute to them. The worksite protection investigation tool will enter a trial phase early in this financial year with publication expected by the end of the year.

## Penalty notices introduced for rail safety offences

ITSRR has introduced penalty notices as a method of dealing with certain offences under the *Rail Safety Act 2008*, *Rail Safety (General) Regulation 2008*, and *Rail Safety (Offences) Regulation 2008*.

The introduction of penalty notices from 1 July 2009 followed a one-month 'grace period' which was used to raise awareness amongst rail transport operators about how the new tool would be applied.

Penalty notices will provide an effective way of dealing with rail safety breaches that are not considered serious enough to warrant instituting court proceedings.

Fines associated with penalty notices range from \$100 to \$5,500 depending on the severity of the offence and can be issued to individuals or legal entities with obligations under the *Rail Safety Act 2008*.

The new penalty notices will become part of the enforcement actions ITSRR's rail safety officers can take to secure safety improvements, along with improvement notices, prohibition notices or prosecution.

ITSRR will continue to take a graduated approach to managing compliance but will issue penalty notices when the situation warrants it in line with the *National Rail Safety Guideline for Compliance and Enforcement for Rail Safety* and ITSRR's [Penalty Notices Policy](#).

More information is available in the [Penalty Notices fact sheet](#) or [Penalty Notices Information Alert](#) on ITSRR's website.

## Contact Details

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