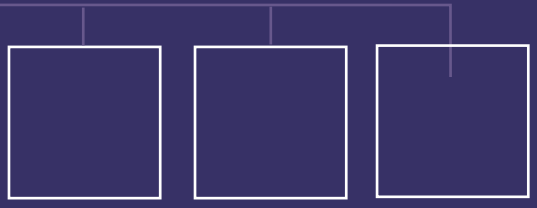
INDEPENDENT
TRANSPORT
SAFETY AND
RELIABILITY
REGULATOR

safe and relia le transport ser ices for ne south ales



# IMPLEMENTATION OF THE NSW GOVERNMENT'S RESPONSE to the Final Report of the Special Commission of Inquiry into the Waterfall Accident

*Reporting Period:* **January - March 2005**

***ITSRR Quarterly Report One***

# IMPLEMENTATION OF THE NSW GOVERNMENT'S RESPONSE

## to the Final Report of the Special Commission of Inquiry into the Waterfall Accident

*Reporting Period:*
**January - March 2005**

Published by the Independent Transport Safety and Reliability Regulator


Report One

Reporting Period:
January – March 2005

INDEPENDENT
TRANSPORT
SAFETY AND
RELIABILITY
REGULATOR

6 May 2005

The Hon John Watkins MP
Minister for Transport
Level 34, Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

Dear Minister

Pursuant to the announcement by the Premier of NSW on 22 February 2005, the Independent Transport Safety and Reliability Regulator (ITSRR) hereby provides for tabling in Parliament the first of its Quarterly Reports on the implementation of the Government's response to the recommendations contained within the Final Report of the Special Commission of Inquiry (SCOI) into the Waterfall Accident.

This Report reflects implementation progress on the specific recommendations of the SCOI Final Report from 22 February 2005, following the Government's announcement, to 30 March 2005; that is, a six week period. The Report also summarises action taken since the Waterfall accident in January 2003. The next report will reflect the progress made in the quarter between 1 April 2005 and 30 June 2005. Each Quarterly Report will be provided one month after the completion of the quarter.

Carolyn Walsh
Chief Executive

# TABLE OF CONTENTS

# FIGURES

# ABBREVIATIONS

| | |
|---|---|
| ATP | Automatic Train Protection |
| ARTC | Australian Rail Track Corporation |
| CRM | Crew Resource Management |
| D&A | Drug and Alcohol |
| ESA | Emergency Service Agencies |
| ITSRR | Independent Transport Safety and Reliability Regulator |
| MoU | Memorandum of Understanding |
| NROD | National Rail Occurrence Database |
| NRSAP | National Rail Safety Accreditation Package<br><br>(also known as NAP or National Accreditation Package) |
| NTC | National Transport Commission |
| OH&S | Occupational Health and Safety |
| OTSI | Office of Transport Safety Investigation |
| PN | Pacific National Pty Ltd |
| RIC | Rail Infrastructure Corporation |
| RC | RailCorp |
| RMC | Rail Management Centre |
| RSRP | Rail Safety Regulators Panel |
| RSW | Rail Safety Workers |
| SCOI | Special Commission of Inquiry |
| SMS | Safety Management Systems |
| SMSEP | State Emergency Services Expert Panel |

# EXECUTIVE SUMMARY

The Special Commission of Inquiry (SCOI) into the Waterfall Rail Accident released its Final Report on 17 January 2005. In accordance with the Commission's recommendations, the NSW Government agreed that the Independent Transport Safety and Reliability Regulator (ITSRR) should report quarterly on progress in implementing the Commission's recommendations. This is the first of those quarterly reports.

This report indicates what has been achieved since the Government's announcement on 22 February, to the end of the quarter on 30 March 2005; together with progress which has been made to improve rail safety in NSW since the Waterfall Rail Accident. This is because many of the safety actions put in place by the Government and by RailCorp following the accident in January 2003 and again in January 2004 in response to the SCOI Interim Report, were reflected in the specific recommendations in the SCOI Final Report. It is also because much has been done in NSW since the Waterfall Accident to reduce the likelihood of the recurrence of a similar accident and to improve overall management and regulation of safety in NSW.

The SCOI Final Report made recommendations to address both the causes of the Waterfall Accident and ways of preventing such accidents in the future. This is reflected in recommendations for improvements to driver safety systems and medical examinations, for example. In addition, the SCOI made recommendations relating to risk management, safety culture and integrated safety management systems, as well as improvements to the regulation of rail safety, so safety performance generally on the rail network could be improved. The 127 recommendations were in the following areas:

- Emergency Response
- Design and Procurement of Rolling Stock
- Driver Safety Systems
- Risk Assessment and Risk Control Procedures
- Data Loggers
- Communications

- Train Maintenance
- Alcohol and Drug Testing
- Periodic Medical Examination
- Safety Document Control
- Train Driver and Guard Training
- Rail Accident Investigation
- Safety Culture
- Occupational Health and Safety
- Passenger Safety
- Corporate Governance
- Safety Reform
- Safety Regulation
- Integrated Safety Management
- Implementation of Recommendations

Since the Waterfall Accident some two years ago, implementation of safety actions has focused on the core causal or contributing factors to the incident: driver incapacitation due to ill-health; and the lack of adequate engineering defences to stop trains if a driver becomes incapacitated.

A national health assessment standard for rail safety critical workers was developed and adopted in NSW in May 2004. It applies to all rail operators and ensures that:

- rail workers, whose jobs involve safety critical risks, must have more frequent and comprehensive health assessments; and
- assessments are to be undertaken by doctors with a specified level of training on job requirements of rail workers so that this information is appropriately taken into consideration during medical examinations.

The standard also provides for predictive and preventative management of potentially incapacitating medical conditions, including cardiac risk assessment and also includes psychological assessment.

RailCorp adopted the standard in February 2004, prior to it being made mandatory in NSW. ITSRR is advised that as at the end of March 2005, RailCorp had tested 835 drivers and 685 guards against the new medical standard. RailCorp's testing has been conducted on a risk management basis, that is, processing the highest risk personnel first, such as drivers.

Since the Waterfall Accident, RailCorp has progressively installed vigilance devices in all its passenger trains (with the exception of the soon to be retired 600 class railcars that operate in the Hunter Valley), in addition to deadman systems, and has removed material from train cabs that could be used to deliberately circumvent the deadman pedal. These actions, combined with improved medical standards, have significantly improved defences to driver incapacitation.

A number of other initiatives have also been implemented since the Waterfall accident which address recommendations in the SCOI Final Report:

- RailCorp has developed a new integrated SMS and risk management framework which includes including training of management in systems safety and which is progressively being implemented;

- RailCorp has introduced improved governance arrangements; additional safety specialists have been employed and internal safety auditor has been appointed who reports directly to the Board;

- RailCorp's emergency response plans have been revised and trialed through mock emergency exercises involving RailCorp and emergency services agencies;

- A new rail regulator, the Independent Transport Safety & Reliability Regulator (ITSRR) was created, with funding for safety regulation increased from $4.9m to $17.1m a year;

- A distinct rail accident investigation capacity through the Office of Transport Safety Investigations (OTSI) was also created which, as part of the Government's response to the SCOI Final Report, will now be established as a separate agency to ITSRR.

The SCOI Final Report recommended ITSRR report quarterly on the implementation of the Government's response to the Commission's findings and recommendations. This Report constitutes the first of these reports.

In the six weeks since the Government's response was announced on 22 February, ITSRR has:

- established a methodology for the review and reporting of progress against each recommendation which is outlined at page 14;

- received from RailCorp an action plan for those recommendations applicable to RailCorp;

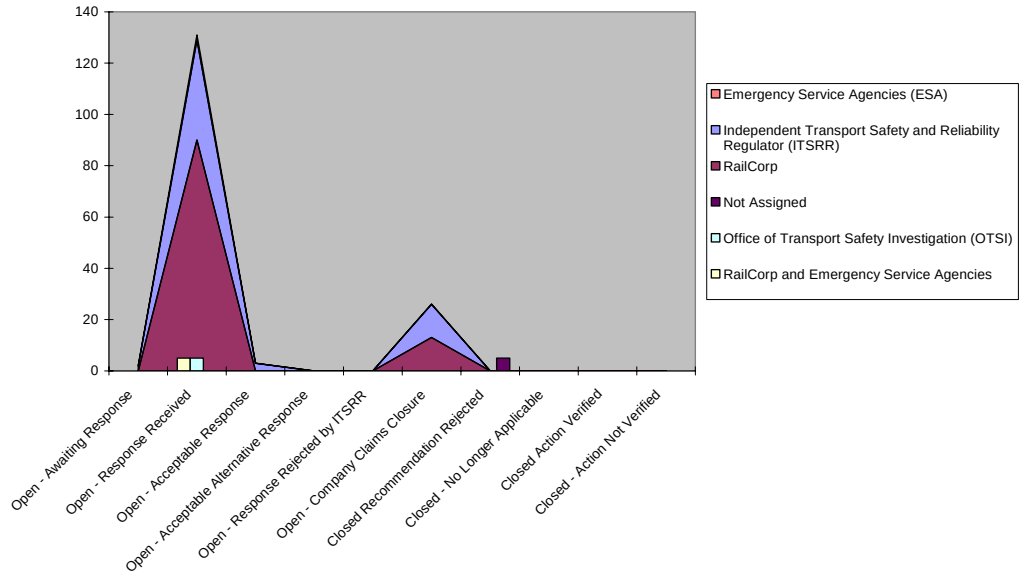
- begun the process of validating through field inspections claims that recommendations have been implemented; and

- identified priorities for action over the next quarter, including:

    - referral to the National Transport Commission (NTC) of recommendations calling for the development of regulations/standards with respect to rolling stock, data loggers, communications protocols and technology, passenger safety (egress); and requirements of a safety management system. NTC will also be asked to review the existing periodic medical examination standard to ensure it effectively deals with all of the recommendations raised in the SCOI report;
    - completion of RailCorp's risk assessment of its policies and processes with respect to passenger evacuation from trains;
    - continued implementation of the industry education and awareness program on new standards for safety management systems required under the National Accreditation Package;
    - implementation of ITSRR's independent Drug and Alcohol (D&A) testing program, and preparation of a guideline with respect to mandatory testing following an incident.

In total there were 127 recommendations with an additional 50 sub-elements, each of which requires the implementation of a safety action. Consequently, ITSRR is reporting on the implementation of 177 (127 + 50) safety actions required to implement these recommendations and sub-elements in line with the Government's response. The relative status of each of these recommendations is summarised in the graph below:

**GRAPH 1: STATUS OF RECOMMENDATIONS AS AT 1ST QUARTER 2005**




As time progresses it is expected that the peak will shift along the x-axis until all recommendations are closed. Further summary tables and graphs on the status of recommendations may be found in Appendix 1, while a complete table of information on each recommendation may be found in Appendix 2.

This report provides an overview of progress made to date, in particular action taken by the responsible agency[1] against the nineteen safety themes identified in the SCOI Final Report. Future quarterly reports will include specific timeframes for safety actions (once negotiation with each responsible company or agency is concluded) and identify and assess any slippage

against assigned timeframes together with action taken by the responsible agency and/or ITSRR to address this slippage. The next report will reflect progress made in the quarter between 1 April and 30 June 2005.

[1] RailCorp, Independent Transport Safety & Reliability Regulator, Office of Transport Safety Investigations, Emergency Services Agencies

## Background

Just after 7.00 a.m. on 31 January 2003, a State Rail Authority (SRA) passenger service, travelling from Sydney to Port Kembla, overturned at high speed and collided with stanchions and a rock cutting approximately two kilometres south of Waterfall NSW. The train was carrying forty-seven passengers and two crew. As a result of the accident the driver and six passengers were killed.

Following the accident, a Special Commission of Inquiry (SCOI) lead by retired Supreme Court Justice, the Honourable Peter McInerney, was established. The Inquiry was conducted in two stages. Under its Terms of Reference the SCOI was required to inquire into and report on the following:

1. the causes of the railway accident at Waterfall on 31 January 2003 and the factors which contributed to it;
2. the adequacy of the safety management systems applicable to the circumstances of the railway accident; and
3. any safety improvements to rail operations which the Commissioner considers necessary as a result of his findings under matters (1) and (2).

The causes of the accident and the contributing factors are contained in the Interim Report published by the SCOI on 15 January 2004. The adequacy of safety management systems and recommendations for safety improvements are contained in the Final Report released on 17 January 2005.

The Government announced its response to the SCOI Final Report on 22 February 2005. In that response, the Government announced that of the 127 recommendations in the report, 114 recommendations were supported, eight required further review before an appropriate response could be made and five were not accepted. The eight recommendations requiring further review involve the move to Level 2 Automatic Train Protection, the abolition of

RailCorp's Containment Policy and improving the precision in locating trains on the Network.

The five recommendations that were not supported by Government did not relate to safety operations but rather concerned the reporting relationships of the Regulator and the independent investigator, their structures and certain regulatory processes:

- That ITSRR should conduct its own risk assessments in relation to the risk of any such high consequence, low frequency accident and if necessary, direct RailCorp to conduct a further risk assessment;

    - The Government response noted that it is the responsibility of the operator, and not the regulator, to conduct such assessments. ITSRR will, however, undertake an assessment of the overall relative risks on the rail network, and review operators' risk assessments to ensure they effectively address such risks.

- That the ITSRR Advisory Board be abolished;

    - The Government retained the Advisory Board, but will amend the legislation setting out the role of the Board to remove any role in relation to the management and review of functions of the Office of Transport Safety Investigations, to address the Commission's prime concern about potential conflicts of interest;

- That legislative changes be enacted to ensure the complete independence of ITSRR from the Minister for Transport;

    - The Government supported the retention of ITSRR within the Transport portfolio, accountable to the Minister. The Government has put in place legislative protections to limit the power of the Minister to direct ITSRR in the conduct of its regulatory functions, and to provide for public reporting by ITSRR. The Government has

announced its intention to introduce further amendments to ensure enhance the clear accountability of the Chief Executive of ITSRR for safety regulation;

- That all accredited rail organisations should be required to re-apply every three years to ITSRR for accreditation;

    - In rejecting this recommendation, the Government noted that ITSRR currently has the power to require an operator to re-submit its Safety Management System to ITSRR for review at any time. The legislation also provides for annual compliance inspections of all operators, and for operators to submit an annual safety report;

- That the Minister should retain, independently of ITSRR, safety auditors to provide a report to the Minister confirming or qualifying the contents of each ITSRR quarterly report [on the Waterfall implementation plan];

    - The Government's response indicated that such a function would duplicate the work of ITSRR and may cause confusion about which agency is the primary regulatory authority.

As noted above, the Government endorsed the SCOI recommendation that the Independent Transport Safety and Reliability Regulator (ITSRR) should report progress towards implementation of the accepted recommendations to the Government on a quarterly basis and that these reports should be directly submitted to Parliament providing for appropriate public scrutiny.

# METHODOLOGY

This section outlines the processes which ITSRR has instituted to develop and monitor the Implementation Plan for the Government's response to the SCOI Final Report into the Waterfall Rail Accident and to develop an appropriate quarterly reporting format.

## Implementation Plan

ITSRR has reviewed the SCOI Final Report and determined what action is required to implement each recommendation in line with the Government's response and which company or agency has responsibility for that action. These expectations then formed the basis for determining whether the response put forward by a company or agency is appropriate to meet the recommendation and/or satisfy the safety objective of the recommendation. ITSRR will assign indicative timeframes for each safety action. These must be realistic and achievable and agreed with the responsible company or agency. Such timeframes have not been included in this first report as they are currently being finalised. However, subsequent reports will include agreed timeframes. Details of the Implementation Plan and progress against it may be found in Appendix 2 at page 54.

## Classification System for Recommendations

In order to provide a graduated view of progress against the Implementation Plan, ITSRR has developed a classification system to indicate the relative status of each recommendation. The taxonomy for the Classification System has been drawn from accepted international practice and is listed in Table 1 at page 16.

The process for assigning status to a recommendation is as follows:

Step 1 The Government's response to the SCOI Final Report determined which recommendation were accepted. ITSRR has articulated its expectations in regards to all remaining recommendations.

Step 2 All accepted recommendations are assigned the status "Open - Await Response". These recommendations are then referred by ITSRR to the relevant company or agency to prepare a response to the recommendation(s) and submit it to ITSRR.

Step 3 ITSRR reviews the response and determines whether it is acceptable or not. If it is acceptable then the status of the recommendation is assigned either “Open - Acceptable Response” or “Open - Acceptable Alternative Response”. A recommendation would be assigned an “Open - Acceptable Alternative Response” status when the intent of a recommendation will be met but will be implemented by alternative means. If the response is not acceptable then the recommendation is assigned the status of “Open - Response Rejected”. In this case, the company or agency is informed of the decision and requested to re-submit a revised response taking into account ITSRR's concerns. This process continues until the response to the recommendation is accepted by ITSRR.

Step 4 ITSRR monitors progress of all accepted responses to ensure a company or agency is meeting the agreed implementation timeframes. This is done through both desktop reviews of reports received by agencies and in-field inspections to verify progress claimed.

Step 5 Once a company or agency has completed the required action it will submit to ITSRR a claim for closure of the recommendation.

This application indicates that the company or agency believes it has completed the required action. The status of the recommendation is changed to “Open – Company Claims Closure”.

Step 6 In most cases, ITSRR will verify closure through an in field compliance inspection or audit. Once verification has taken place the recommendation status is changed to indicate it is "Closed - Verified".

This process will continue until all recommendations are closed.

**TABLE 1: TAXONOMY FOR CLASSIFICATION SYSTEM**

| | **STATUS** | **DEFINITION** |
|---|---|---|
| 1. | Open – Await Response | This status is automatically assigned to an accepted recommendation. Affected parties will be asked to submit their response for implementing the recommendation to ITSRR. |
| 2. | Open – Response Received | ITSRR has received a response from an affected party and this response is under review by ITSRR. It has not yet been accepted by ITSRR. |
| 3. | Open – Acceptable Response | ITSRR agrees that the planned action, when completed, meets the recommendation. |
| 4. | Open – Acceptable Alternative Response | ITSRR agrees that alternative action, when completed, satisfies the objective of the recommendation. |
| 5. | Open – Response Rejected by ITSRR | ITSRR does not agree that the planned or alternate action meets the recommendation. The company or agency is advised of the rejection and requested to provide a revised response. |

| | | |
|---|---|---|
| 6. | Open – Company Claims Closure | The company or agency claims that the planned or alternate action has been completed. The action has not yet been verified by ITSRR. ITSRR has not yet agreed that the item is closed. |
| 7. | Closed – Recommendation Rejected | ITSRR has determined through further analysis and review that the recommendation is not appropriate (i.e. will not achieve the desired safety outcomes) and has rejected the recommendation. It is therefore closed. |
| 8. | Closed – No Longer Applicable | The recommendation has been overtaken by events and action is no longer required.<br>For example, a new technology has eliminated the reason for the recommendation, it has been superseded by other recommendations issued, or the operator affected has gone out of business. |
| 9. | Closed – Action Verified | Completion of the planned or alternate action has been verified by ITSRR through a compliance inspection or audit. |
| 10. | Closed – Action Not Verified | ITSRR accepts that the planned or alternate action has been completed following a review of documentation submitted. Field verification is not necessary. |

## RailCorp

RailCorp submitted an action plan with timeframes to ITSRR on 31 March 2005. The plan addresses implementation by RailCorp of the 103 recommendations (including sub-elements of recommendation) for which it is responsible. ITSRR is now in the process of reviewing this plan to assess the feasibility and appropriateness of the actions and timeframes suggested by RailCorp against ITSRR's own expectations for each recommendation. This review aims to ensure that the intent of the recommendations will be met by the proposed action.

Whilst ITSRR is seeking implementation of the recommendations at the earliest possible opportunity, it is also mindful of the Commission's Report which indicated that establishing an integrated safety management system, together with a continuously improving safety culture, may take time. ITSRR, in consultation with RailCorp, will agree to realistic and achievable timeframes in line with suggestions in the SCOI Final Report:

> *… focussing on unrealistic time limits encourages operators like RailCorp to cut corners and lose sight of the long term necessities for an effective and integrated safety management system, in favour of meeting the short term needs to stay in business. This encourages the same kind of reactive, "by the seat of their pants" discipline that has plagued the New South Wales rail industry for so many years.* ***Instead there must be proactive, methodical and systematic planning and implementation, necessary to make systemic changes****.*[2]

## Other Rail Operators

The SCOI Final Report primarily focused on RailCorp and actions required by it to improve safety as a consequence of the Waterfall Rail Accident. However, some recommendations from the Final Report are relevant to other rail operators in NSW. In light of this, ITSRR has reviewed the

[2] SCOI Final Report, volume 1, page 298

recommendations and identified where other rail operators may also be required to improve safety operations.

ITSRR will report on recommendations specific to RailCorp in this report. Where recommendations have applicability to the wider rail industry, ITSRR will report on progress of its own actions to ensure other operators also meet the intent of SCOI recommendations and on any general areas of concern about implementation issues across the industry. However, progress on specific safety actions by other rail operators will not be reported upon in ITSRR quarterly reports.

## ITSRR

ITSRR itself is responsible for implementing recommendations from the SCOI. These quarterly reports will assess progress made by ITSRR on those recommendations. The same methodology as outlined above will be used to assess the status of recommendations which ITSRR is responsible for implementing. ITSRR has established an internal process between Divisions which allows for an independent assessment of whether recommendations are being implemented according to the Implementation Plan and to ensure status reports accurately reflect progress against the Plan. The Chief Executive must sign off on all completed actions before a recommendation is closed.

## Remaining Agencies

ITSRR has held initial meetings with the Office of Emergency Services and the Office of Transport Safety Investigation (OTSI) to review and discuss the implementation and reporting of recommendations under their responsibility. Review of responses from these agencies will also follow the process outlined above and will be reported quarterly.

# INDUSTRY CONSULTATION

Some recommendations from the SCOI Final Report apply to the rail industry more broadly. ITSRR has therefore engaged other accredited rail operators in NSW in responding to the SCOI Final Report. ITSRR has also briefed railway safety policy officials and rail regulators in other Australian jurisdictions concerning industry implementation of Waterfall at a national level.

On 7 March 2005, ITSRR held an Executive Safety Seminar in Sydney to explain to senior executives of accredited rail companies: the Government's response to the SCOI Final Report; the recommendations arising from the SCOI Report and their applicability to all rail operators, not just RailCorp; and ITSRR's expectations of industry in responding to the findings of the SCOI. Executive Safety Seminars are a quarterly seminar series hosted by ITSRR and are aimed at senior management in the NSW Rail Industry. The Minister for Transport accepted the invitation by ITSRR to attend the March Seminar on Waterfall.

At the Seminar, the Chairman of the ITSRR Advisory Board, Ron Christie, provided some context for the Report and the important challenges it poses for the industry. The Chief Executive of ITSRR, Carolyn Walsh, gave a presentation on implications for the rail industry and ITSRR's role in implementing the Government's response to the SCOI Final Report. A copy of this presentation may be found on the ITSRR website: (www.transportregulator.nsw.gov.au).

Following the Executive Safety Seminar, ITSRR held a workshop on 15 March 2005 targeted at safety and operational managers in rail companies. It outlined in greater detail the implications for the rail industry of the Government's response to the SCOI Final Report. Invitations for the workshop were extended to all accredited operators in NSW. The workshop sessions included specific topics arising from the SCOI Final Report which impact on all rail operators in NSW such as: emergency egress and access,

integrated safety management systems; and technical and operational standards, including the intention to develop any such standards through the National Transport Commission to ensure national consistency. ITSRR also outlined to attendees at the workshop the approach it would take to ensure compliance by rail operators with recommendations which applied to them.

The workshop was held in two separate sessions, the first of which was aimed at mainline and major operators; the second of which was aimed at heritage and small operators.

Further consultation will be undertaken with the rail industry on the Government's Waterfall Bill which will amend legislation to give effect to the Government's response to the SCOI Final Report. ITSRR will issue an *Information Alert* outlining the contents of the proposed Bill. This alert will be distributed to accredited operators and a copy will also be placed on the ITSRR website. The *Information Alert* will describe changes the Government is making to rail safety legislation. These include: the establishment of the Office of Transport Safety Investigation as a separate agency to ITSRR; changes to the operation of ITSRR's Advisory Board to remove its statutory functions in relation to accident investigation reports; clarification that the Chief Executive of ITSRR is the responsible officer accountable for the management of ITSRR and rail safety in NSW; the ability for the Government to refer incidents to the Australian Transport Safety Bureau (ATSB) for investigation; and higher penalties for tampering with emergency egress equipment on trains.

# REPORT FORMAT AND TIMEFRAMES

Quarterly Reports will provide an overview of progress made in each quarter towards implementation of the Government's response to the SCOI Final Report. In particular, the Reports will summarise action taken during the quarter by the responsible agency[3] against the nineteen safety themes identified in the SCOI Final Report; for example, Emergency Response, Design and Procurement of Rolling Stock, Driver Safety Systems etc (see Appendix 1 Table 5 on page 52). The Report will also identify any slippage against assigned timeframes, together with action taken by the responsible agency and/or ITSRR to address this slippage.

In addition, reports will include a table consisting of each recommendation together with the required safety action by the responsible agency, status of the recommendation, ITSRR's assessment of an agency's response to the recommendation and timeframes for completion. Once the required safety action for a recommendation is completed, it will no longer be reported on in the Quarterly Reports; however, a full table of all recommendations and their status will be maintained on ITSRR's website.

The SCOI Final Report included 127 recommendations with 50 sub-elements contained within them. The sub-elements, such as 57(a)–(f), require separate safety actions and therefore merit the same level of treatment as recommendations. Consequently ITSRR is reporting upon a total of 177 recommendations including sub-elements. This is explained in more detail in Appendix 1 Table 3 at page 47.

The SCOI Final Report primarily focused on RailCorp and actions required by it to improve safety as a consequence of the Waterfall Rail Accident. However, as indicated in the methodology section, some recommendations from the SCOI Final Report are also relevant to other rail operators in NSW.

[3] RailCorp, Independent Transport Safety & Reliability Regulator, Office of Transport Safety Investigations, Emergency Services Agencies

Whilst ITSRR will utilise the process described in the methodology section to ensure these operators implement appropriate safety actions in response to recommendations relevant to their operations, progress on this activity for other operators will not be included in the quarterly reports. Rather, ITSRR will report on general progress by the rest of the industry, and highlight any areas of concern in this regard.

The first Report is unique in that it covers a six week period from 22 February to 30 March 2005 rather than a full quarter. Given that many safety actions were put in place following the Waterfall Rail Accident in January 2003 and again in January 2004 in response to the SCOI Interim Report, the first Report also includes progress on safety actions taken in response to these events. Additionally, while ITSRR has determined indicative timeframes for each safety action, these have not been included in this first Report as they are currently the subject of negotiation with each responsible company or agency. Subsequent reports will include agreed timeframes. The next report will reflect the progress made in the quarter between 1 April 2005 and 30 June 2005.

The reports provided to the Minister for Transport by ITSRR for tabling in Parliament will be produced quarterly and will be provided one month after the completion of the quarter. Reports for the next 12 months are listed in Table 2 below.

**TABLE 2: TIME FRAMES FOR REPORTING FOR THE NEXT 12 MONTHS**

| Quarter | RailCorp | ITSRR Report |
|---|---|---|
| Apr - Jun 2005 | 14 days > | End July 2005 |
| Jul - Sep 2005 | 14 days > | End Oct 2005 |
| Oct – Dec 2005 | 14 days > | End Jan 2006 |
| Jan - Mar 2006 | 14 days > | End April 2006 |

# SUMMARY OF PROGRESS

The SCOI Final Report grouped recommendations under 19 safety themes. These relate to both the causes of the accident and to suggested improvements in the overall management of safety on the NSW rail network. The Commission was specifically tasked with identifying the causes of the Waterfall Accident and ways of preventing such accidents in the future. This is reflected in recommendations for improvements to driver safety systems and medical examinations, for example. In addition, the Commission was also asked to examine what might lead to overall improvements in the safety management of rail operations in NSW. Recommendations relating to risk management, safety culture and integrated safety management systems, as well as those suggesting improvements to the regulation of rail safety, are intended to lift safety performance generally on the rail network.

Since the Waterfall Accident, much has been done in NSW to improve rail safety and reduce the likelihood of such an accident occurring again. Additional safety measures were introduced in response to the Accident and again in January 2004 following the release of the SCOI Interim Report and the Ministry of Transport's Investigation Report into the Waterfall Rail Accident. Progress on these activities including improved medical standards, drug and alcohol testing and driver safety systems is detailed in this section of the Report under the relevant heading. These enhanced preventative measures have reduced the risks associated with the causes of the Waterfall Accident and therefore the chances of it happening again.

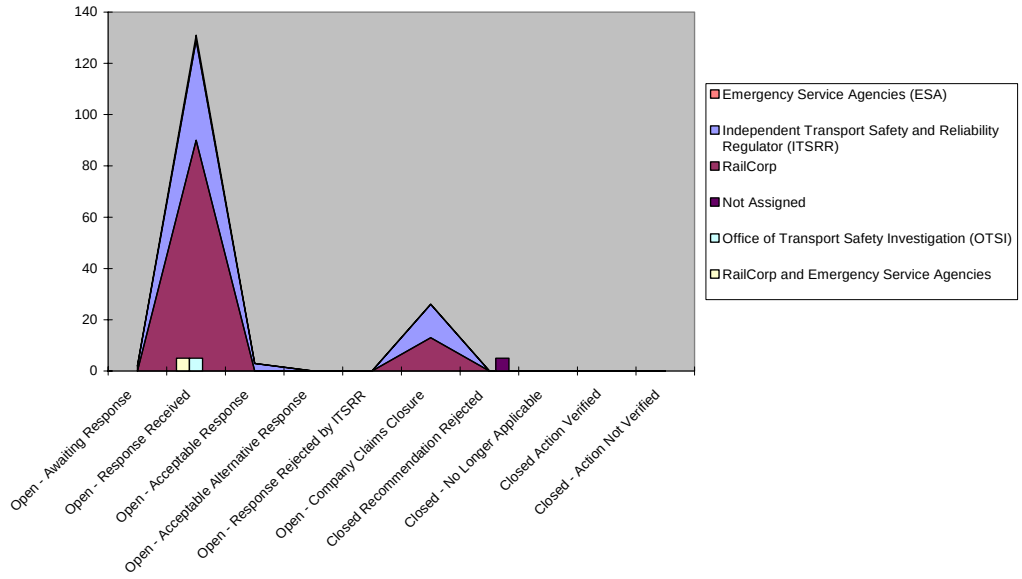
Progress has also been made on some of the other recommendations aimed at improving rail safety regulation, systems safety and safety culture. The Independent Transport Safety & Reliability Regulator (ITSRR) was established on 1 January 2004 providing for a significant increase in funding and expertise for rail safety regulation in NSW. Moreover, RailCorp has developed an integrated safety management system which it is currently implementing to provide greater emphasis on systems safety and an improved

risk management framework for running its operations. While there is still considerable work to be done before full implementation is achieved, all of these measures are improving the level of safety on the NSW rail network for the travelling public.

In this Report, implementation progress is summarised against the 19 safety themes described in the SCOI Report (See Appendix 1 Table 3 on page 47). In future reports, the summary will also identify timeframes and any slippage against these as well as any action taken by the responsible agency and/or ITSRR to address slippage. This approach will provide the necessary transparency to ensure appropriate public scrutiny of progress made in implementing the Government's response to the SCOI Final Report.

Appendix 1 includes tables and graphs of the current implementation status of recommendations. Appendix 2 at page 54 provides in table format information concerning the required safety action, responsible agency, status and timeframe for each recommendation. The graph below illustrates the status of recommendations as of the 30 March 2005. As time progresses it is expected that the peak will shift along the x-axis until all recommendations are closed.

**GRAPH 1: STATUS OF RECOMMENDATIONS AS OF 1ST QUARTER 2005**



## Emergency Response

### SCOI Final Report Recommendations 1-28

These recommendations relate to the Commission's findings that emergency response procedures to the Waterfall Rail Accident were inadequate. They are intended to ensure that RailCorp has effective procedures in place in the event of a future rail accident that will enable it to locate the accident site, secure and isolate it and facilitate access of emergency services. The recommendations also aim to ensure that any such emergency response is coordinated between the relevant parties and is timely. This includes for example the provision of supporting emergency procedures and appropriate training in those procedures.

Since the Waterfall Rail Accident RailCorp, in consultation with the State Emergency Management Committee, has developed a new incident management framework which incorporates the majority of these recommendations. The RailCorp Framework links into the State emergency arrangements (known as the NSW DisPlan). RailCorp's Emergency Response Plan developed under this framework has recently been tested in an exercise with participation of Emergency Services Agencies. The Framework and Plan will be reviewed against the SCOI recommendations and revised to incorporate any further changes where necessary.

## Design and Procurement of Rolling Stock

### SCOI Final Report Recommendations 29 & 30

Under existing NSW rail safety legislation all accredited operators are required to maintain comprehensive Safety Management Systems which include standards for the design, manufacturing, testing and commissioning of rolling stock.

In practice, all NSW accredited operators are required to comply with the "Minimum Operating Standards for Rolling Stock" (MOSRS) - a set of detailed technical safety standards developed by the Rail Infrastructure Corporation

(RIC). Compliance with the MOSRS is also a standard condition of rail access agreements between rolling stock operators and the three NSW infrastructure owners (RailCorp, RIC, and the Australian Rail Track Corporation (ARTC)).

In response to the SCOI report, It is proposed to review the MOSRS as part of the Australasian Railways Association's (ARA's) Code Management Company's initiative to establish a nationally consistent set of technical railway safety standards.

Consistent with NSW's commitment to the development of national model legislation for rail safety, the NSW Minister for Transport will refer the issue of the development of regulatory standards for rolling stock to the NTC. It is anticipated the development of National Model Legislation will clarify the legal status of the technical safety standards being developed by the ARA's Code Management Company. During this process it is expected that the Code Management Company will also develop a program for standards resulting from the implementation of the SCOI report.

In the interim, ITSRR will continue to monitor and enforce compliance with the MOSRS by accredited railway operators in NSW. This will include close monitoring of the design, testing and commissioning of RailCorp's procurement of 500 new passenger cars.

## Driver Safety Systems

### SCOI Final Report Recommendations 31-33

These recommendations are intended to minimise the risk of an accident in the event of train driver incapacitation by requiring the fitting of two independent engineering defences to all trains as an interim measure until automatic train protection (ATP) is introduced to the NSW rail network. The most common engineering defences include: vigilance controls, deadman systems and train stops. Vigilance controls require a driver to respond to an audible and or visual warning device on a timed basis. If the driver does not respond then the brakes are applied to the train. Similarly, a deadman system

is a foot pedal or hand operated device designed to bring a train to stop when a driver no longer applies a certain level of pressure to it. Train stops cause a train to come to a halt if, for example, it passes a signal when it should not ie, the signal is at red. Train stops are a lower level form of automatic train protection.

Since the Waterfall Accident, RailCorp has progressively installed a vigilance device in all its passenger trains (with the exception of the 600 class railcars that operate in the Hunter Valley), in addition to the deadman systems. It has also removed material from train cabs that could be used to deliberately circumvent the deadman pedal. These actions, combined with improved medical standards, have significantly improved defences against driver incapacitation.

In Hunter Valley 600 class railcars the guard travels with the driver as an interim measure until these cars are phased out at the end of 2005. This will then mean that all RailCorp passenger trains will have two independent emergency defences (deadman and vigilance) on all trains, plus train stops in the Metropolitan Network.

The Commission's recommendation in relation to engineering defences extended not just to RailCorp, but to all trains on the NSW Network. At present neither freight nor heritage trains have two engineering defences against driver incapacitation. However, both freight and heritage operators have two persons on every train. The second person is seen as a form of defence against driver incapacitation.

ITSRR's position is that two independent engineering defences are necessary for driver only operations. In relation to two person operations, ITSRR will review the applicability of this recommendation in consultation with the rail industry, prior to setting any further requirements for rail operators.

In the longer term, the SCOI recommends the introduction of "Level 2 type ATP". ATP systems are more advanced technologies which can automatically

override a driver if a train is behaving in an unauthorised way in relation to network constraints. These systems are referred to as automatic train protection because they do not require the intervention or lack of intervention by a driver in order to operate. A computer based system will automatically apply brakes if the train is travelling too fast or is in an area of track without authority.

It should be noted that the SCOI did not define the concept of Level 2 ATP. There is not a single classification system for ATP used around the world.

In Europe, as defined by the European Rail Traffic Management System (ERTMS), Level 2 ATP is aligned to sophisticated forms of technology which usually involves the installation of in-cab equipment linked to satellite technology. Level 2 ATP, under this definition, has to date been installed on a small number of high speed rail lines around the world.

The form of ATP used in Perth (on which the Commission appeared to base its recommendation) would not be classified as a Level 2 type ATP using ERTMS or other like definitions. The Perth system is essentially a Level 1 type ATP.

Level 2 ATP, using the ERTMS definition, has not been installed on a network comparable to RailCorp. No other comparable rail network has been successful in retrospectively introducing this level of automatic train protection on an existing rail network. The feasibility of retro-fitting this type ATP system to the existing NSW railway network therefore requires further review.

Prior to the release of the SCOI Report, both RailCorp and the ARTC, which manages NSW's interstate rail lines, were examining the feasibility of introducing automatic train protection systems on their networks.

In 2004 RailCorp completed a study into the risks associated with train over-speeding and the options to mitigate those risks. A system based on the use of track transponders to provide warnings to drivers and apply the brakes in

certain over-speed conditions was suggested as feasible. This system is currently being designed for trial fitment.

ARTC has also announced a review of the feasibility of implementing an automated track protection system, known as the Advanced Train Management System (ATMS) on interstate lines.

To ensure these projects meet the spirit of the SCOI recommendations, ITSRR will produce an information paper describing the various forms of automatic train protection used in major railways around the world, including the system applied in Perth with the aim of clarifying the characteristics of ATP which are deliverable in the NSW context. ITSRR will also facilitate a detailed review of the applicability of those systems to the NSW network in conjunction with RailCorp and ARTC, and with the rail industry more generally through the Australasian Railway Association (ARA).

## Risk Assessment and Risk Control Procedures

### SCOI Final Report Recommendations 34 and 35

Recommendation 34 seeks to make the rail network safer by ensuring that RailCorp has in place processes to systematically identify and assess risks on the network and put appropriate control measures in place to reduce or eliminate circumstances which might result in an accident. Following the Waterfall Accident, RailCorp engaged Lloyd's Register Rail, a recognised safety engineering firm, to work with it to develop a risk management framework and implementation strategies that would provide RailCorp with good risk management processes and a robust risk control register.

This framework should enable RailCorp to undertake more sophisticated risk analysis, review the impact of new safety measures on its risk profile, and better manage and monitor control measures. ITSRR has undertaken a desktop review of this risk management framework and has been advised by RailCorp that it is now is now implementing this process across all of its

divisions. ITSRR will verify that these new systems are in place through in-field inspections during the later half of 2005.

ITSRR is also working with the rail industry at a national level to develop appropriate risk assessment methods for use by rail operators together with standards for regulators to accept risk assessments. In November 2004, the Australian Transport Council (comprising Commonwealth, State and Territory and New Zealand Transport Ministers) endorsed the National Accreditation Package (NAP) developed by ITSRR in conjunction with other jurisdictions' regulators. NAP sets out the elements required of a Safety Management System and provides rail operators with guidance on the level and depth of risk assessment required by them as part of their accreditation.

Recommendation 35 proposed that ITSRR should conduct its own risk assessments in relation to the risk of any high consequence, low frequency accident and if necessary, direct RailCorp to conduct a further risk assessment.

The Government did not accept this recommendation, noting that it is the responsibility of the operator, and not the regulator, to conduct such assessments. The regulator would not have the necessary knowledge of an operator's risk environment and operations to undertake such assessments. Further, if it attempted to do so, it would effectively be removing from the operator its own accountability to operate safety.

It is, however, important that the regulator (ITSRR) review operator's risk assessments to ensure that the operator can demonstrate that their risk assessment process has been adequate.

To ensure ITSRR is well-placed to review operators' risk assessments, it is currently finalising a "vulnerability analysis" of the NSW rail network. That analysis involved identifying the generic hazards and risks of the network, and the key defences in place to address them. Through this analysis, ITSRR is identifying the higher risk issues in the network, so that it can ensure that

these are addressed in operators' risk assessments. This analysis will also help to identify where ITSRR should target its general compliance activities (eg assessing accreditation applications, and undertaking audits and inspections across the network).

Finally, ITSRR is working with the NTC as the lead agency to develop national risk acceptance criteria that can be used by regulators in assessing operators' risk assessments. A discussion paper will be released by the NTC on this issue by mid 2005.

## Data Loggers

### SCOI Final Report Recommendations 36 and 37

Effective use of data loggers should provide rail operators with information to help them understand the causes of incidents on the rail network. Data loggers record information on a train's operations, including, for example, speed during a journey. Currently, the installation of a device to record operational data is required by network owners through their access agreements. However, there is no standardised protocol agreed by regulators for the data which a data logger should record, nor a direct regulatory requirement for data loggers to be operating in train cabs. ITSRR will progress the development of such a standard for data loggers through the National Transport Commission. In the interim, ITSRR in consultation with industry will develop a guideline for what data should be collected by data loggers.

ITSRR acknowledges the limitations of current data logger technology applied in the NSW network and will explore with industry, options for overcoming these limitations.

## Communications

### SCOI Final Report Recommendations 38- 46

These recommendations address two important issues. First, that standardised communications protocols should be in use on the NSW rail

network so that rail employees use clear and well understood language when communicating with each other. This is particularly important in emergency situations.

Second, the compatibility and interoperability of communications equipment (radios for example), so that in an emergency drivers, signalers, train controllers and other relevant personnel (with different types of equipment) are able to talk to each other.

In relation to the first issue, the current Network General Rules and Network Procedures provide for standardised communication protocols and procedures on the NSW network. Operator accreditation is conditional on adoption of network rules and procedures. ITSRR conducts audits of accredited organisations to ensure operators enforce compliance with these protocols and procedures. ITSRR will expand this audit program to increase the number and scope of inspections during 2005.

The second issue (ensuring compatibility and interoperability of communications equipment) is a more complex technical problem. In the longer term, interoperability is best achieved through the development of a single national standard for the design, installation and use of communications equipment. The implementation of this standard, including installation of new equipment, will take time as operators upgrade and replace existing communications systems. A national working party of industry representatives was established in 2003 by the National Transport Commission to progress the development of a national strategy for communications.

In the short term, RailCorp has developed a technical solution to establish an interoperability link for train control and signaling to manage emergency calls originating from either Metronet or Countrynet radio systems. These two different systems are on the metro trains and freight trains respectively. This interim solution has been trialed and should be fully implemented by end of September 2005.

## Train Maintenance

### SCOI Final Report Recommendations 47-53

The purpose of these recommendations is to ensure there are minimum standards and inspections in place for RailCorp trains entering service and adequate maintenance plans and systems in place to record and rectify train defects, as well as certification of work by an appropriately qualified individual. RailCorp claims these recommendations have been implemented through a number of projects under its Train Safety Improvement Program (TSIP). ITSRR has yet to formally verify these measures but will do so over the next quarter.

## Alcohol and Drug Testing

### SCOI Final Report Recommendations 54-56

Ensuring that rail operators have effective drug and alcohol programs so that safety critical rail workers are not under the influence of alcohol or drugs is an integral part of a safety management system. These requirements were introduced in NSW by the Rail Safety Act 2002 and further supported by regulations which commenced in 2003. These provisions require operators to have drug and alcohol programs in place which may provide for random testing. The expectation is that medium to large operators have a random testing program. All major rail operators in NSW now have drug and alcohol programs in place which include testing. RailCorp intends to continue its random testing program and its voluntary self–identification and rehabilitation process to assist workers with lifestyle choices.

At RailCorp, random alcohol testing of rail safety workers commenced on 20 October 2003 and random drug testing began on 29 April 2004. Information briefings have been provided to staff concerning the testing procedures, including the use of a video to help explain the random drug and alcohol testing program.

RailCorp employs drug evaluation officers who, according to RailCorp, have carried out the following tests:

RailCorp random alcohol testing[4]

| | Total to 30 March 2005 |
|---|---|
| Tests conducted | 37,184 |
| Positive test results | 39 |
| % positive results | 0.1 |

RailCorp random drug testing [5]

| | Total to 30 March 2005 |
|---|---|
| Tests conducted | 1,624 |
| Positive test results | 34 |
| % positive results | 2.09 |

The SCOI recommended that drug and alcohol testing of train drivers or guards involved in any accident or incident should be mandatory. The *Rail Safety (Drug and Alcohol Testing) Regulation 2003* provides for random drug and alcohol testing and testing of rail safety workers (RSWs) following an incident or accident. ITSRR is currently developing a guideline regarding mandatory testing, defining the types of incidents where mandatory testing should be applied and whether mandatory testing in specified circumstances should be applied to other rail safety workers. This will be required of all operators.

[4]Source: http://www.cityrail.nsw.gov.au/aboutus/our_performance/alcohol_testing.jsp, accessed 26 April 2005
[5] Ibid

## Periodic Medical Examination

### SCOI Final Report Recommendations 57(a)-(j)

This recommendation is directed at minimising the risk of incapacitation of a train driver through more stringent standards for periodic medical examinations for railway safety critical workers. A national standard was developed and adopted in NSW in May 2004. It applies to all rail operators and ensures that:

- rail workers, whose jobs involve greater safety risks, must have more frequent and comprehensive health assessments; and
- assessments are to be undertaken by doctors with a specified level of training on job requirements of rail workers so that this information is appropriately taken into consideration during medical examinations.

The standard also provides for predictive and preventative management of potentially incapacitating medical conditions (including cardiac risk assessment) and also includes psychological assessment. The current standard already incorporates recommendations from 57(a)(b)(c)(g)(h) and (i). Recommendations 57(d)-(f) will be referred to the National Transport Commission for review and potential inclusion in the national standard.

RailCorp adopted the standard in February 2004; prior to it being made mandatory in NSW. ITSRR is advised that as of end March 2005, RailCorp has tested 835 drivers and 685 guards against the new medical standard. RailCorp's testing has been conducted on a risk management basis; that is, processing the highest risk personnel such as drivers first.

## Safety Document Control

### SCOI Final Report Recommendations 58-64

Effective document control, and particularly document control of safety information, is a critical element of a rail operator's safety management system. Employers and employees must be confident that the safety information they are operating under is current and accurate. RailCorp plans to implement a Safety Document Management System by October 2005.

ITSRR also plans to fully implement an electronic document management system by September 2005.

Both ITSRR and RailCorp also participate in national programs related to the collection and collation of safety information such as the National Rail Occurrence Database (NROD), so that trend analysis on safety issues at a national level may be carried out.

## Train Driver and Guard Training

### SCOI Final Report Recommendations 65- 71

It is important that train drivers and train guards are adequately trained in the performance of their duties. This issue was also raised in the SCOI into the Glenbrook accident. Of particular interest for training is the appropriate use of simulators, encouragement of teamwork, and the development of training based on a needs analysis. RailCorp has introduced interactive simulator training for its guards and drivers, especially in procedures for dealing with degraded operations on the rail network.

RailCorp advises that training of crew members has been revised to include "Crew Resource Management" concepts designed to improve interaction between crew during safety incidents.

## Rail Accident Investigation

### SCOI Final Report Recommendations 72 - 82

The SCOI Final Report promulgates "just culture" investigations (ie, those aimed at determining the root causes of an accident rather than whose at fault or to blame), as more likely to contribute to improved safety outcomes in the longer term. The NSW Government will introduce legislation in this session of Parliament to establish the Office of Transport Safety Investigation (OTSI) as separate to ITSRR to enhance its ability to conduct "just culture" investigations. In addition, The NSW Minister for Transport has written to the Commonwealth Minister for Transport to initiate negotiations on the

appropriate mechanisms to enable the Australian Transport Safety Bureau (ATSB) to undertake "just culture" investigations referred to it by the NSW Government. The ATSB is already able to undertake investigations on the Defined Interstate Rail Network (DIRN). This legislation would in practice extend that authority, upon referral, to all areas, including the metropolitan network.

## Safety Culture

### SCOI Final Report Recommendations 83- 84

It is accepted safety practice literature that a positive safety culture works in tandem with a safety management system to deliver safe operations. The SCOI identified a number of deficiencies in the safety culture of RailCorp. Specifically, the SCOI recommended that RailCorp develop a plan to improve its safety culture which included measures to ensure that:

- RailCorp staff understand the implications of their actions;
- distrust is removed from the workplace;
- a just culture replaces a blame culture;
- individual accountability and responsibility is established;
- senior management lead by example;
- incentives are in place to encourage reporting on safety related issues;
- safety replaces on-time running as the dominant culture;
- safety related information is kept and collated;
- staff are trained in risk management; and
- safety is incorporated into general management.

RailCorp commenced development of a safety culture program during 2004 as a means of improving its safety culture. ITSRR is advised that RailCorp is reviewing and where necessary will revise this program in light of the Commission's recommendations.

ITSRR will review the process used by RailCorp to develop its safety culture plan as well as review the plan. ITSRR will also monitor implementation of the plan and ensure that RailCorp meets its commitments.

## Occupational Health and Safety

### SCOI Final Report Recommendations 85- 87

The SCOI was concerned that RailCorp's approach to safety management was overly focused on occupational health and safety. By this it meant that RailCorp primarily sought to implement risk control measures for risks of relatively low consequence, but high frequency, to the detriment of more significant risks of relatively high consequence, but low frequency. The SCOI recommended integration of OHS management into RailCorp's overall safety management system, so that broader public safety concerns, such as derailment or collision, would receive greater attention.

RailCorp has advised ITSRR that it has integrated management of OHS into its Safety Management System (SMS). ITSRR will formally verify this claim through a systems audit and will advise on the outcome in its next quarterly report.

## Passenger Safety

### SCOI Final Report Recommendations 88-101

These recommendations address emergency egress and access (ie, ways in which passengers can escape from trains in an emergency and the way emergency services and other rescuers can get into trains), emergency evacuation procedures and associated training and standards. In particular, the SCOI recommended the abandonment of the RailCorp containment policy which does not allow for self-evacuation by passengers in the event of an accident.

The Government accepted that the containment policy required review and replacement. However, there may be circumstances where containment is the safest option for passengers. For example, if an accident occurred on a bridge, on an escarpment, or in a tunnel, these circumstances play a large part in determining the most appropriate strategies for passenger access and egress in an emergency situation.

ITSRR has conducted a research project on train emergency evacuation procedures adopted by a number of railways around the world. This has resulted in a report entitled "Train Door Emergency Egress and Access and Emergency Evacuation Procedures", a copy of which is available on the ITSRR website. It was released as a discussion paper to the rail industry in November 2004.

ITSRR will work with the rail industry to develop principles for an appropriate standard covering train emergency egress and access and evacuation procedures. In the interim, ITSRR will work with RailCorp to ensure that the current risk of passengers being trapped in a train in the event of an extreme emergency is minimised.

To this end, ITSRR has been advised by RailCorp that:

- RailCorp has amended signage on the outside of trains to make it clearer to emergency services how to open train doors;
- Seven new trainers specialising in incident response training have been appointed and incident response training will include use of the train simulator for all relevant staff at least every two years;
- RailCorp's incident and emergency response plans have been reviewed and coordination and communication processes improved; and
- RailCorp is undertaking a detailed risk assessment to determine whether passengers should be able to access emergency door opening devices.

## Corporate Governance

### SCOI Final Report Recommendations 102- 109

These recommendations introduce requirements for formal qualifications in system safety management for managers who report to the CEO of RailCorp. They also require development of safety accountability statements and reporting lines for all management positions and establishment of independent external and internal audit processes to be managed by the RailCorp Board. Implementation of these recommendations will ensure that managers have

sufficient contemporary safety knowledge to effectively carry out their management responsibilities and that the Board is fully informed of safety issues faced by RailCorp.

RailCorp has advised ITSRR that it has developed and implemented a program of safety science training for senior managers. Approximately 225 managers, including the executive management team, completed a five day course in safety science early in 2005. The course covered key concepts in safety such as managing risk and change, human factors and defining safety culture. RailCorp intends to have training formally recognised so that all managers who report to the CEO obtain a formal qualification in system safety management. RailCorp has advised that it has implemented safety accountability statements and reporting lines for senior managers.

RailCorp has further advised it has put in place a strategic safety plan, supported by appropriate governance, risk and change management frameworks, which has been approved by the RailCorp Board. The RailCorp Board utilises independent external safety auditors to report to it on aspects of RailCorp's strategic safety plan. Other initiatives within the plan include:

- standing safety committees established at the Board, Executive and workplace levels;
- additional safety specialist positions created and filled at the corporate and operational management levels;
- appointment of an internal safety auditor who reports directly to the Board;
- a risk management framework developed and now being implemented across all divisions of RailCorp; and
- increased emphasis on safety training.

An external audit of RailCorp's integrated safety management system will be undertaken following its implementation in 2005. ITSRR will also be auditing the implementation of RailCorp's integrated SMS from July 2005.

## Safety Reform

### SCOI Final Report Recommendation 110(a)-(e)

This recommendation seeks to create a position of Safety Reform Project Director to manage the safety reform program being undertaken by RailCorp and detail various aspects of the duties that should be undertaken by this position.

## Safety Regulation

### SCOI Final Report Recommendations 111-120

The Commission makes a number of recommendations in relation to the role of ITSRR in rail safety regulation, in particular: publishing guidelines for accredited operators, granting of accreditation, mandatory periods for accreditation as well as participation in national policy and reform processes. Recommendations were also made in respect of the governance of ITSRR, especially its level of independence from the Minister for Transport, role of ITSRR's Advisory Board, Chief Executive, and staffing arrangements.

The co-regulatory model operating for rail safety regulation across Australia has been agreed to by Commonwealth and State Ministers. In this model, the detailed technical and operational standards for running a railway are developed and owned by the industry, which is best placed to manage the safety risks on their network, but are accepted and enforced by the rail regulator. Co-regulation aims to give industry the flexibility to change relevant operational and technical safety standards in response to improvements in technology or new knowledge thereby promoting continuous improvement in safety standards.

The SCOI accepted the co-regulatory model as appropriate for the rail industry, but concluded that the regulatory model should be bolstered by more explicit guidance from regulators.

To that end:

- ITSRR will continue to publish guidelines to assist operators to comply with their obligations under the Rail Safety Act and will review its current guidelines and revise them where necessary to ensure that operators have sufficient direction to assist them in meeting their obligations for rail safety;

- ITSRR has developed, in conjunction with other State and Territory Rail Regulators, a new National Accreditation Package for rail operators. This package sets out the requirements for a rail operator for the purposes of accreditation, including the requirement for an integrated SMS. ITSRR has commenced the roll out of this new package with full implementation and compliance by operators anticipated by July 2006;

- The NSW Minister for Transport has indicated his intention to refer the development of specific standards recommended by the Commission to the NTC so that they can be developed in conjunction with the new national model legislation currently being prepared by the NTC. In making this referral, the Minister will seek NTC's agreement to develop appropriate regulations to support the legislation, and to seek the cooperation of the Code Management Committee (the rail industry's standard setting body) in reviewing and, where necessary, developing industry operational/technical codes.

With regard to ITSRR's governance arrangements, the Government has flagged its intention to introduce legislation to remove the statutory functions of ITSRR's Advisory Board in relation to accident investigation reports and accreditation. This will address the SCOI's prime concern about the potential conflict for the Board in relation to advising both ITSRR and the Office of Transport Safety Investigations (OTSI). However the Board will be retained as an expert advisory group for the Chief Executive.

The legislation will also clarify that the Chief Executive of ITSRR is the responsible officer accountable for the management of ITSRR and rail safety in NSW.

The Government did not accept the recommendation that ITSRR should be completely independent of the Minister on the basis that ITSRR's principal objective is to facilitate safe operation of transport services in NSW and as such makes a critical contribution to the Transport portfolio and should therefore continue to report to the Minister for Transport.

To provide for sufficient resourcing for rail safety regulation in NSW, in 2003 the Government:

- established an independent and better resourced regulator for rail safety, the Independent Transport Safety and Reliability Regulator (ITSRR); and
- established a dedicated accident investigation function through the Office of Transport Safety Investigation (OTSI).

The establishment of the ITSRR and OTSI has significantly increased the capacity and competency of rail regulation in NSW. The budget for regulation and accident investigation has increased from $4.9 million to $17.1 million per year and the total staff has increased from around 25 to over 80 personnel. The number of authorised field officers has also increased from around 13 to around 35 (including nine dedicated accident investigators in OTSI). The total number of authorized officers is planned to increase to over 40 during 2005.

In 2004, ITSRR completed 18 systems audits of accredited railway operators. It also introduced a new compliance inspection program with over 90 targeted inspections carried out in 2004. Additionally, courses have also been introduced for compliance officers to assist them to better understand the legislation that they administer and the appropriate actions to take with rail operators under the Rail Safety Act as well as improve their knowledge and expertise in audit, safety management systems and risk management.

ITSRR will continue to review its resources and capacity on a regular basis to ensure that it has sufficient field inspectors to administer rail safety in NSW.

## Integrated Safety Management

### SCOI Final Report Recommendations 121- 124

These advocate that a regulation be promulgated specifying the requirements of a safety management system (SMS) and the steps RailCorp needs to take to ensure that its SMS is integrated. Integration is essential to ensuring that all risks identified by an operator are properly catered for in its SMS; that is, that there are appropriate control measures in place to reduce or minimize these risks to as low as reasonably practicable.

As noted above, ITSRR is implementing the National Accreditation Package (NAP) for rail operators in NSW. This package is consistent with the elements which the SCOI Final Report promulgates as integral to a SMS. Implementation of this package commenced in January 2005 and full implementation is expected by July 2006. ITSRR will also introduce a regulation in support of this package to ensure that operators have an obligation to comply with it.

ITSRR is also continuing its participation in national policy and reform processes for rail safety regulation. It is anticipated that national model legislation will be agreed to and introduced into NSW in early 2006. This new act will further strengthen safety requirements for rail operators, particularly in relation to safety management system requirements.

RailCorp developed an integrated safety management system during 2004 for implementation in 2005. The implementation of an integrated SMS was also a condition of RailCorp's provisional accreditation set by ITSRR. In light of these recommendations, RailCorp will review its integrated SMS against recommendations 122 (a) to (f) to ensure that its SMS framework incorporates the specific recommendations of the SCOI.

## Implementation of Recommendations

### SCOI Final Report Recommendations 125-127

Recommendations 125-127 of the SCOI Final Report concern the management and reporting of the implementation of recommendations arising from it, including frequency of reporting, tabling of reports in Parliament and independent auditing of reports.

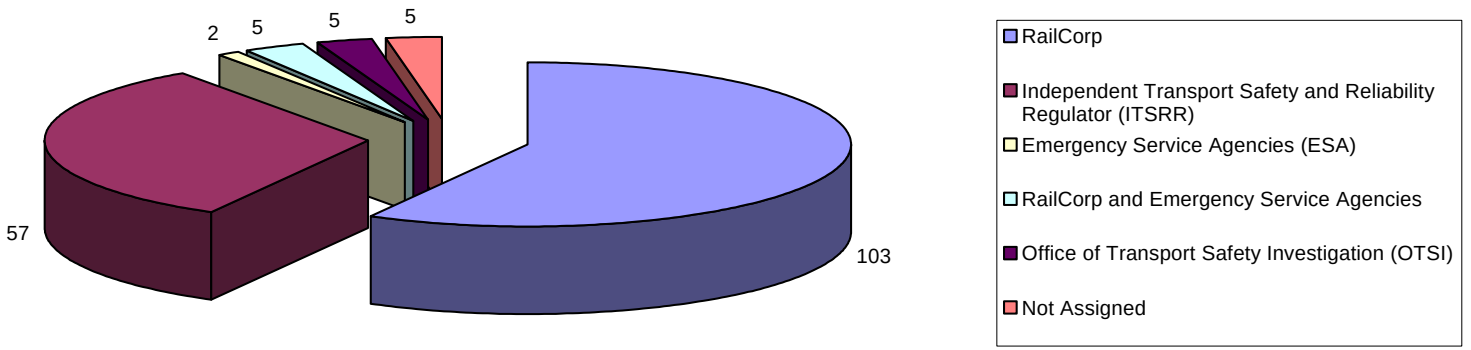
ITSRR will provide quarterly reports to the Minister for Transport for tabling in Parliament. However, these reports will not be independently audited. The Government is confident that ITSRR has the capacity and competence to effectively monitor and review implementation of the recommendations. Further, an additional independent auditor could duplicate the work of ITSRR and cause confusion about which agency is the primary regulatory authority.

# APPENDIX 1 – TABLES AND GRAPHS

**TABLE 3: RECOMMENDATIONS BY RESPONSIBLE AGENCY**

| RESPONSIBLE AGENCY | RECOMMENDATIONS FROM SCOI FINAL REPORT | NUMBER OF RECOMMENDATIONS INCLUDING SUB-ELEMENTS |
|---|---|---|
| RailCorp | 1-8, 10-14, 16-20, 22, 25-27, 32, 34(a) – (h), 40, 47-53, 56, 58-62, 65-71, 83(a)-(n), 85-88, 96, 102-110(a)-(e), 122(a)-(f(i-xii)), 123, | 103 |
| Emergency Services Agencies | 15, 97 | 2 |
| Emergency Services Agencies & RailCorp | 9, 21, 23, 24, 28 | 5 |
| ITSRR | 29, 30, 31, 33, 36-39, 41-46, 54-55, 57(a)-(i), 63-64, 75-80, 84, 89-95, 98-101, 113-117, 119-121, 124-125(a)-(b), 126 | 57 |
| OTSI | 72, 73, 74, 81, 82 | 5 |
| Not assigned | 35, 111, 112, 118, 127 | 5 |
| TOTAL | 127 | 177 |

**GRAPH 2: RESPONSIBLE AGENCY FOR THE RECOMMENDATIONS AND SUB-ELEMENTS AS OF 1ST QUARTER 2005**

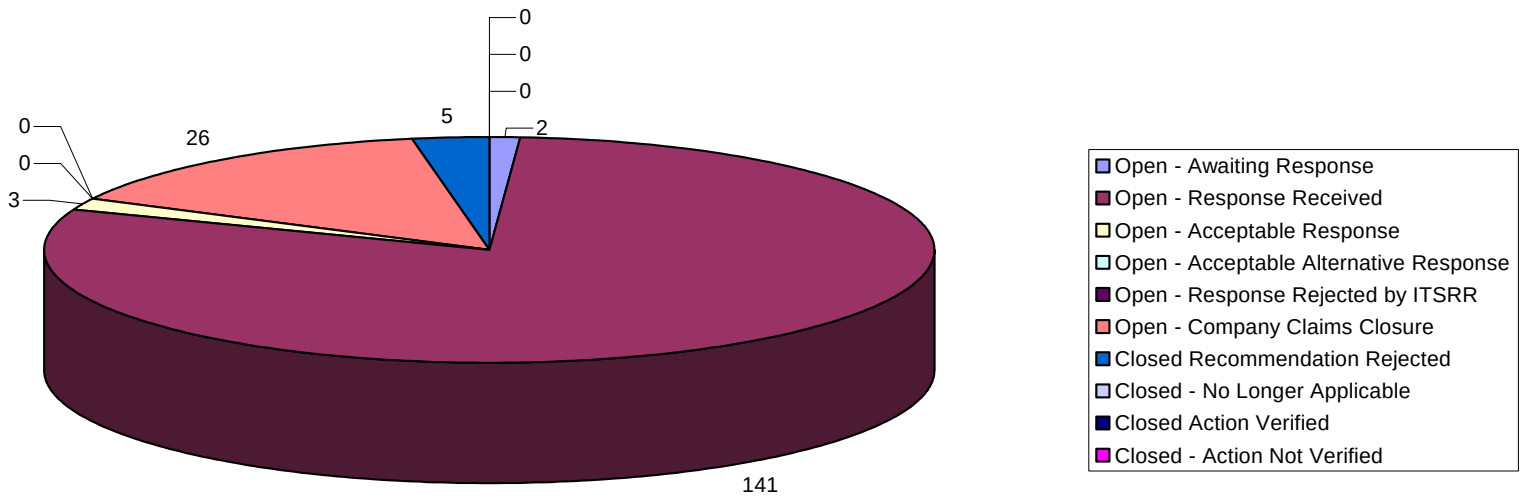


At the end of the first quarter of 2005, the status of the 177 Recommendations including sub-elements of the SCOI Final Report is detailed in the following table:

**TABLE 4: STATUS OF RECOMMENDATIONS INCLUDING SUB-ELEMENTS**

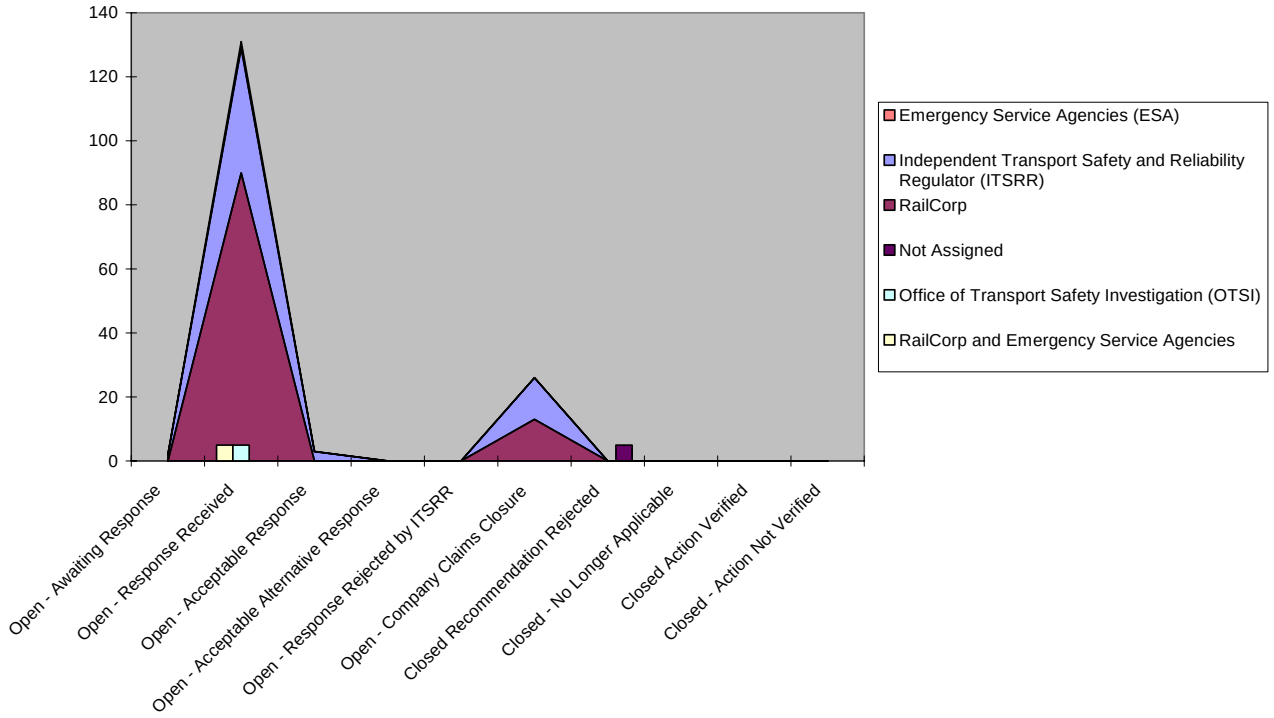
| | **Open - Awaiting Response** | **Open - Response Received** | **Open - Acceptable Response** | **Open - Acceptable Alternative Response** | **Open - Response Rejected by ITSRR** | **Open - Company Claims Closure** | **Closed Recommendation Rejected** | **Closed - No Longer Applicable** | **Closed Action Verified** | **Closed - Action Not Verified** | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RailCorp | 0 | 90 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 103 |
| Independent Transport Safety and Reliability Regulator (ITSRR) | 2 | 39 | 3 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 57 |
| Emergency Service Agencies (ESA) | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| RailCorp and Emergency Service Agencies | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| Office of Transport Safety Investigation (OTSI) | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| Not Assigned | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 5 |
| TOTAL | 2 | 141 | 3 | 0 | 0 | 26 | 5 | 0 | 0 | 0 | 177 |

**GRAPH 3: STATUS OF EACH RECOMMENDATION INCLUDING SUB-ELEMENTS AS OF 1ST QUARTER 2005**



Graph 1 below illustrates the data in Table 4 above. As time progresses it is expected that the peak will shift along the x-axis until all recommendations are closed.

**GRAPH 1 (AS ABOVE): STATUS OF RECOMMENDATIONS AND SUB-ELEMENT BY RESPONSIBLE AGENCY AS OF 1ST QUARTER 2005**



In the SCOI Final Report recommendations were listed against specific themes or topics relating to the causal factors associated with the Waterfall Rail Accident. The following table presents the status of recommendations by these themes:

**TABLE 5: STATUS OF RECOMMENDATIONS BY THEME**

| SUMMARY OF STATUS OF SCOI RECOMMENDATIONS AS OF 1ST QUARTER 2005 | Open - Awaiting Response | Open - Response Received | Open - Acceptable Response | Open - Acceptable Alternative Response | Open - Response Rejected by ITSRR | Open - Company Claims Closure | Closed Recommendation Rejected | Closed - No Longer Applicable | Closed Action Verified | Closed - Action Not Verified | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | |
| **Emergency response 1-28** | 0 | 26 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 28 |
| **Procurement & design of rolling stock 29-30** | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| **Driver safety systems 31-33** | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| **Risk assessment and control procedures 34-35** | 0 | 8 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 9 |
| **Data loggers 36-37** | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| **Communications 38-46** | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 9 |
| **Train Maintenance 47-53** | 0 | 3 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 7 |
| **Alcohol and Drug Testing 54-56** | 0 | 1 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 3 |
| **Periodic Medical Examinations 57** | 0 | 0 | 3 | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 9 |
| **Safety Document Control 58-64** | 0 | 6 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 7 |
| **Train Driver and Guard Training 65-71** | 0 | 5 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 7 |
| **Rail Accident Investigation** | 0 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 |

| SUMMARY OF STATUS OF SCOI RECOMMENDATIONS AS OF 1ST QUARTER 2005 | Open - Awaiting Response | Open - Response Received | Open - Acceptable Response | Open - Acceptable Alternative Response | Open - Response Rejected by ITSRR | Open - Company Claims Closure | Closed Recommendation Rejected | Closed - No Longer Applicable | Closed Action Verified | Closed - Action Not Verified | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **72-82** | | | | | | | | | | | |
| **Safety Culture 83-84** | 0 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 |
| **OH&S 85-87** | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 3 |
| **Passenger safety 88-101** | 1 | 12 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 14 |
| **Corporate Governance 102-109** | 0 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 8 |
| **Safety Reform 110** | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| **Safety Regulation 111-120** | 0 | 2 | 0 | 0 | 0 | 5 | 3 | 0 | 0 | 0 | 10 |
| **Integrated Safety Management 121-124** | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 21 |
| **Implementation of Recommendations 125-127** | 1 | 2 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 4 |
| **Total** | 2 | 141 | 3 | 0 | 0 | 26 | 5 | 0 | 0 | 0 | 177 |

# APPENDIX 2 – RECOMMENDATIONS, ITSRR EXPECTATION, AGENCY, STATUS & ITSRR ASSESSMENT

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| **Emergency response** | | | | | |
| 1. Staff at the Rail Management Centre (RMC) should receive training from RailCorp to enable them to quickly and accurately assess that an emergency has occurred and to provide precise and reliable information to emergency response personnel about the location of the emergency, the available access to the site and the resources necessary. | Supported and being implemented. | RailCorp to provide:<br>a) Evidence of Development of Training Program that addresses issues identified in the SCOI.(Includes Development Process, Training Aids / Curriculum).<br>b) Evidence of Appropriate Assessment Competency. (Delivery of course by appropriately qualified trainers.)<br>c) Evidence of process to ensure the training of new staff and the Refresher training of existing staff.<br>d) Review process built-in, to take into account relevance and changes. | RailCorp | Open | Response Received |
| 2. A dedicated telephone line should be established by RailCorp between the RMC and any Emergency Services Control Centre for use during any emergency. | Supported in principle and being implemented through other means. The RMC has touch screen dial up capability to Police, Fire Brigade and Ambulance. In addition, a dedicated phone line is available for Emergency Services incoming calls. | RailCorp to provide evidence of the connected services. Verification to be confirmed by:<br>Evidence by compliance review.<br>Evidence of testing/exercise to ensure functionality. | RailCorp | Open | Company Claims Closure |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 3. A designated staff member at the RMC should act as the rail emergency management co-ordinator. He or she should be the sole point of contact at the RMC with other rail personnel involved in the rail accident and emergency services personnel during the rescue phase of the emergency response. | Supported and being implemented. | The initial requirement is for a person to be readily identified. This person needs to have access to the appropriate hardware and procedures and be prepared to act as required in the SCOI report. RailCorp to provide:<br>a) Evidence of Development of Training Program that addresses issues. (Includes Development Process, Training Aids / Curriculum.)<br>b) Evidence of Appropriate Assessment Competency. Delivery of course by appropriately qualified trainers.)<br>c) Evidence of process to ensure the training of new staff and the Refresher training of existing staff.<br>d) Review process built-in, to take into account relevance and changes.<br>e) Evidence of Training of Skills assessment.<br>f) Evidence of responsibilities in PD.<br>g) Evidence of responsibilities reflected in plan. | RailCorp | Open | Response Received |
| 4. The RMC should be equipped by RailCorp with a transcriber system, or mimic board, or such other system as is necessary to enable identification of the precise location at any time of any train on the RailCorp network. | Supported in principle. The RMC is equipped with a network mimic panel that currently gives train visibility on approximately 65% of the RailCorp network. Visibility of approximately 90% is targeted for 2008. RailCorp will conduct a study of other options available, including GPS technology to provide a more precise location at any time of all operators' trains on the RailCorp network. | RailCorp to provide a detailed program to explain how the trains will be located on a board, or similar, in the RMC. Recognising that this will require some Capital expenditure, it is expected that the program will be a funded program with timelines. Functionality is to include a requirement to enable trains to be readily identified, as a minimum.<br>Compliance review (re Current coverage of network, e.g. does it cover 65%.)<br>Review existence of planning / funding (re 90% coverage 2008.)<br>Existence of plans / project to review options available. | RailCorp | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 5. All train guards should be trained by RailCorp in the use, of the MetroNet radio and instructed to use it in any emergency. | The training of guards in the use of MetroNet radio is supported and being implemented. The use of MetroNet radio by guards in emergencies is supported in principle and RailCorp will review the operational and technical issues the recommendation raises. | RailCorp to provide details of the training program that demonstrates that Guards are trained in the use of MetroNet and know how to use the system in an emergency. The program is to include:<br>a) Evidence of Development of Training Program that addresses issues. (Includes Development Process, Training Aids / Curriculum.)<br>b) Evidence of Appropriate Assessment Competency. (Delivery of course by appropriately qualified trainers.)<br>c) Evidence of process to ensure the training of new staff and the Refresher training of existing staff.<br>d) Review process built-in, to take into account relevance and changes.<br>e) Ensure guard has access to communications.<br>f) Assess Project Plan for Implementation. | RailCorp | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 6. Procedures should be put in place by RailCorp to ensure that electrical power supply to the area of an accident can be immediately isolated, if necessary, in the event of a rail injury or harm. | Supported and being implemented. | RailCorp to demonstrate that appropriate procedures have been established and that all appropriate staff have been trained in the procedures. The overall program is to demonstrate that procedures have been developed, with appropriate consultation. Project to include:<br>a) Evidence of Development of Training Program that addresses issues. (Includes Development Process, Training Aids / Curriculum.)<br>b) Evidence of Appropriate Assessment Competency. (Delivery of course by appropriately qualified trainers.)<br>c) Evidence of process to ensure the training of new staff and the Refresher training of existing staff.<br>d) Review process built-in, to take into account relevance and changes.<br>e) Ensure that the procedures are included in Incident Plans. | RailCorp | Open | Response Received |
| 7. Satellite telephones should be provided by RailCorp to all rail commanders at any emergency. | Supported and being implemented. | RailCorp to provide a schedule for the purchase of Satellite Telephones.<br>Procedure to deploy to RailCorp Rail Commander Developed.<br>Procedures to include process to ensure telephones are in working order. | RailCorp | Open | Response Received |
| 8. All signal telephones must be maintained by RailCorp in proper working order. | Supported and being implemented. | RailCorp to demonstrate that a suitable inspection, fault rectification and maintenance plan is in place. The Maintenance Plan is to include:<br>- process for reporting faults.<br>- process for responding to faults.<br>- preventative maintenance | RailCorp | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 9. All emergency services stations should be provided with access keys to, and maps showing, all gates providing access to RailCorp tracks within their geographic area of responsibility. | Supported in principle subject to discussion between RailCorp and emergency services regarding operational and security issues. | Item requires an agreement between RailCorp and Emergency Services in place on most effective means of access to information to facilitate immediate access to emergency site agreement with emergency services. RailCorp to demonstrate that details are included in the Incident Management Plans. | RailCorp/ Emergency Service Agencies | Open | Response Received |
| 10. A railway disaster plan, or rail displan, should be developed by RailCorp and the emergency services to ensure co-ordinated inter-agency response to rail accidents and incidents on the RailCorp network. | Supported in principle and being implemented through other means. The State Emergency Management Committee advises a specific sub plan for rail would not provide additional response capability and it would not be consistent with the all Hazards approach. Instead the Commissioner's recommendations below about a specific Railway Disaster Plan will be incorporated in the overall State Disaster Plan (Displan) and RailCorp's Incident Management Framework. This Framework addresses all level of rail incidents including 'emergencies' and will be implemented early 2005. | That a joint or jointly developed plan is produced by the Agencies. The details of the plan are to include, amongst other things: immediate response, site management and recovery processes. Also requires the development of:<br>- Comprehensive Incident Management Plans/Procedures.<br>- Development of Network Incident Management plan with RailCorp (Track Manager).<br>- Training Issues to ensure that staff can implement. | RailCorp | Open | Response Received |
| 11. The rail displan should include the use by all emergency response personnel of a uniform incident command system, involving procedures for such matters as the establishment of inner and outer perimeters, control of access to the site, orderly evacuation of injured passengers and the establishment of a staging area remote from the accident site, in a unified command structure with the site controller co-ordinating the various emergency services through representatives of each service. | Supported and being implemented through the RailCorp Incident Management Framework. | That a joint or jointly developed plan is produced by the Agencies. The details of the plan are to include, amongst other things: immediate response, site management and recovery processes. Also requires the development of:<br>- Comprehensive Incident Management Plans/Procedures.<br>- Development of Network Incident Management plan with RailCorp (Track Manager).<br>- Training Issues to ensure that staff can implement. | RailCorp | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 12. The rail displan should include provision for the appointment of a rail emergency management co-ordinator at the RMC, and an on-site rail commander with the sole function of assisting and supporting the emergency services during the rescue phase of the emergency response. | Supported and being implemented through the RailCorp Incident Management Framework. | RailCorp to provide:<br>a) Evidence of Development of Training Program that addresses issues identified in the SCOI. (Includes Development Process, Training Aids / Curriculum).<br>b) Evidence of Appropriate Assessment Competency. (Delivery of course by appropriately qualified trainers.)<br>c) Evidence of process to ensure the training of new staff and the Refresher training of existing staff.<br>d) Review process built-in, to take into account relevance and changes.<br><br>That a joint or jointly developed plan is produced by the agencies. The details of the plan are to include, amounts other things, immediate response, site management and recovery processes.<br>Also requires the development of:<br>- Comprehensive Incident Management Plans/Procedures.<br>- Development of Network Incident Management plan with RailCorp (track Manager)<br>-Training issues to ensure that staff can implement | RailCorp | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 13. The rail displan should provide for the site controller to have complete control of the site, with other agencies coordinating with and supporting him or her, until the rescue phase of the emergency response has been completed. | Supported and being implemented through the RailCorp Incident Management Framework. The RailCorp Incident Management Framework aligns with the State Displan, which requires the site controller to have control of the incident site. | That a joint or jointly developed plan is produced by the Agencies. The details of the plan are to include, amongst other things: immediate response, site management and recovery processes. Also requires the development of:<br>- Comprehensive Incident Management Plans/Procedures.<br>- Development of Network Incident Management plan with RailCorp (Track Manager).<br>- Training Issues to ensure that staff can implement. | RailCorp | Open | Response Received |
| 14. The incident command system should clearly identify the roles of the rail commander, site controller, police commander and commanders of the other emergency services, and the way in which each is to work together during the recovery phase of any rail accident. | Supported and being implemented through the RailCorp Incident Management Framework. | That a joint or jointly developed plan is produced by the Agencies. The details of the plan are to include, amongst other things: immediate response, site management and recovery processes. Also requires the development of:<br>- Comprehensive Incident Management Plans/Procedures.<br>- Development of Network Incident Management plan with RailCorp (Track Manager).<br>- Training Issues to ensure that staff can implement. | RailCorp | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 15. The location of the command post for site control at the scene of any rail accident should be identified by NSW Police by a distinctive flashing light. | Supported and being implemented. | That a joint or jointly developed plan is produced by the Agencies. The details of the plan are to include, amongst other things: immediate response, site management and recovery processes.<br>Also requires the development of:<br>- Comprehensive Incident Management Plans/Procedures.<br>- Development of Network Incident Management plan with RailCorp (Track Manager).<br>- Training Issues to ensure that staff can implement.<br>Detail also in include:<br>- Emergency Service Action<br>- Implementation of distinctive identification of command post. | Emergency Services Agencies | Open | Response Received |
| 16. The role of the rail commander should be to provide support and assistance to the site controller and emergency services personnel until the rescue phase of the emergency response to any rail accident is completed. | Supported and being implemented through the RailCorp Incident Management Framework. | That a joint or jointly developed plan is produced by the Agencies. The details of the plan are to include, amongst other things: immediate response, site management and recovery processes.<br>Also requires the development of:<br>- Comprehensive Incident Management Plans/Procedures.<br>- Development of Network Incident Management plan with ARTC RailCorp (Track Manager).<br>- Training Issues to ensure that staff can implement. | RailCorp | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 17. The rail commander should have complete authority to direct and control any rail employees attending the site of a rail accident, in accordance with directions given or arrangements put in place by the site controller, until the rescue phase of the emergency response to the rail accident has been completed. | Supported and being implemented through the Incident Management Framework. | That a joint or jointly developed plan is produced by the Agencies. The details of the plan are to include, amongst other things: immediate response, site management and recovery processes. Also requires the development of:<br>- Comprehensive Incident Management Plans/Procedures.<br>- Development of Network Incident Management plan with RailCorp (Track Manager).<br>- Training Issues to ensure that staff can implement. | RailCorp | Open | Response Received |
| 18. RailCorp should develop and implement an emergency response plan for management of all rail accidents. Such a plan should be subsumed by the rail displan in the case of serious accidents or incidents. | Supported and being implemented through the RailCorp Incident Management Framework. The RailCorp Incident Management Framework was developed in consultation with emergency service agencies and it aligns with the State Disaster Plan | That a joint or jointly developed plan is produced by the Agencies. The details of the plan are to include, amongst other things: immediate response, site management and recovery processes. Also requires the development of:<br>- Comprehensive Incident Management Plans/Procedures.<br>- Development of Network Incident Management plan with RailCorp (Track Manager).<br>- Training Issues to ensure that staff can implement. | RailCorp | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 19. The RailCorp emergency response plan should include action checklists of the steps that each employee is required to take, and the order for specific employees to follow in case of emergency. | Supported and being implemented through the Incident Management Framework. | That a joint or jointly developed plan is produced by the Agencies. The details of the plan are to include, amongst other things: immediate response, site management and recovery processes. Also requires the development of:<br>- Comprehensive Incident Management Plans/Procedures.<br>- Development of Network Incident Management plan with RailCorp (Track Manager).<br>- Training Issues to ensure that staff can implement.<br>- Development / Implementation of checklists. Distribution of the checklists and alignment with the staff training and emergency exercises. | RailCorp | Open | Response Received |
| 20. All operational rail staff should be trained by RailCorp in the action check list relevant to each. | Supported. | That a joint or jointly developed plan is produced by the Agencies. The details of the plan are to include, amongst other things: immediate response, site management and recovery processes. Also requires the development of:<br>- Comprehensive Incident Management Plans/Procedures.<br>- Development of Network Incident Management plan with RailCorp (Track Manager).<br>- Training Issues to ensure that staff can implement.<br>- Development/ Implementation of checklists.<br>- Distribution of the checklists and alignment with the staff training and emergency exercises. | RailCorp | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 21. The RailCorp emergency response plan should be provided to all emergency response agencies. The officers of each emergency service should be trained in any rail specific features of the plan, so as to better ensure inter-agency coordination in the circumstances of an emergency. | Supported in principle and being implemented through other means. The RailCorp Incident Management Framework will be given to all emergency response agencies. In addition, RailCorp has provided access to emergency services to railway equipment for training purposes. RailCorp has also produced a DVD covering rail specific emergency response matters for use by the emergency services for training their staff. 500 DVDs have been given to each of Fire Services, Ambulance and Police. Emergency services personnel will be trained in rail hazard awareness using material provided by RailCorp. The very large number of emergency response personnel (including volunteer services) that may respond to a rail incident, means training of all personnel in the RailCorp Framework is unlikely to be achievable. Emergency Services will investigate with RailCorp extension of the DVD into a multimedia resource to improve the ability to educate wider numbers of emergency service workers. | The training program needs to be managed and implemented jointly by the Emergency Services and RailCorp. Details of the implementation program should include:<br>- Existence of Comprehensive Incident Management Plans/Procedures.<br>Development of Network Incident Management plan with RailCorp (Track Manager).<br>- Training Issues.<br>- Liaison communication with Emergency Services.<br>- The RailCorp Incident report framework needs to be provided to Emergency services. Emergency services to determine how best and who to train in the Incident Management framework. | RailCorp / Emergency service Agencies | Open | Response Received |
| 22. The RailCorp emergency response plan should include a requirement for the debriefing of all senior rail and emergency response personnel involved in any rail accident, so as to determine the way or ways in which emergency response arrangements for rail accidents can be continually improved, and thereafter implement such improvements. | Supported and being implemented. | The details of the debriefing sessions to be included in RailCorp procedures and plans. The content of the debriefs should be reviewed to ensure that it addresses the effectiveness, on a case by case basis, of the Incident Management Plans/Procedures - especially liaison issues with Emergency Services, Network Incident Management plan with RailCorp, if used, and Training Issues, if they are found to be a factor. | RailCorp | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 23. All emergency response personnel should be specifically trained in the features of railways which are relevant to their work, such as the location and means of operation of all emergency door releases on trains, the location and use of signal telephones, the methods by which electrical power can be isolated and the means by which they can readily identify and obtain information from the on-site rail commander. | Supported in principle and being implemented through other means. See R 21. | The training program needs to be managed and implemented jointly by the Emergency Services and RailCorp. Details of the implementation program should include:<br>- Existence of Comprehensive Incident Management Plans/Procedures.<br>- Development of Network Incident Management plan with RailCorp (Track Manager).<br>- Training Issues.<br>- Liaison communication with Emergency Services.<br>- The RailCorp Incident report framework needs to be provided to Emergency services. Emergency services to determine how best and who to train in the Incident Management framework.<br>- Appropriate agreements/ arrangements in place between Rail Operators and Emergency Services. | RailCorp/ Emergency service Agencies | Open | Response Received |
| 24. Regular field training exercises should be conducted by RailCorp with the emergency services to ensure that the incident command system and rail displan are able to be fully implemented as quickly as possible and are reviewed and improved. | Supported and being implemented. | Program established for exercise in consultation with Emergency Services. | RailCorp / Emergency service Agencies | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 25. Uniform verbal descriptions identifying that power has been isolated should be developed by RailCorp and utilised by all railway personnel, electrical service providers and all emergency response personnel. | Supported and being implemented. | RailCorp to provide: Procedures Developed (Including Appropriate Consultation Development.)<br>a) Evidence of Development of Training Program that addresses issues. (Includes Development Process, Training Aids / Curriculum.)<br>b) Evidence of Appropriate Assessment Competency. (Delivery of course by appropriately qualified trainers.)<br>c) Evidence of process to ensure the training of new staff and the Refresher training of existing staff.<br>d) Review process built-in, to take into account relevance and changes.<br>e) Ensure included in Incident Management Plans. | RailCorp | Open | Response Received |
| 26. All rail employees should be trained by their employer to commence any emergency communication with the words “Emergency, emergency, emergency”, thereafter to identify themselves, the train, its location, what has occurred, the approximate passenger load and whether death or injuries have occurred. | Supported and being implemented. | RailCorp to provide:<br>a) Appropriate Training for operational and non-operational staff in emergency communication procedures.<br>b) Evidence of Development of Training Program that addresses issues. (Includes Development Process, Training Aids / Curriculum.)<br>c) Evidence of Appropriate Assessment Competency (Delivery of course by appropriately qualified trainers.)<br>d) Evidence of process to ensure the training of new staff and the Refresher training of existing staff.<br>e) Review process built-in, to take into account relevance and changes. | RailCorp | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 27. A direct line of communication should be established between the RMC and Emergency Services Operations Control Centre by a "tie line" or otherwise, so as to ensure that in the case of a serious rail accident there is an open line of communication between the officer in charge of the management of the incident at the RMC and the various emergency response services. | Supported in principle and being implemented through other means. See also R 2. The RMC has touch screen dial up capability to Police, Fire Brigade and Ambulance. In addition, a dedicated phone line is available for Emergency Services incoming calls. | RailCorp to provide evidence of the connected services. Verification to be confirmed by:<br>- Evidence by compliance review.<br>- Evidence of testing/exercise to ensure functionality. | RailCorp | Open | Company Claims Closure |
| 28. A training centre for emergency services personnel should be established by RailCorp. The emergency services personnel should be required to undertake training at such a centre, which should be equipped with features replicating railway infrastructure and rolling stock. | Supported and being implemented. An emergency services training facility is in place at Redfern with a platform, double decker carriage and black-out facilities. | RailCorp and Emergency Services Agencies to review appropriateness and suitability of existing facilities. determine and implement these arrangements. | RailCorp / Emergency service Authorities | Open | Response Received |
| **Design and procurement of rolling stock** | | | | | |
| 29. All railway owners and operators should have a quality assurance program for the design and construction of rolling stock and regular review of construction to ensure that the rolling stock satisfies the original functional performance specifications. | Supported and being implemented. | ITSRR will ensure through its accreditation process that operators have detailed procedures for the design, construction and introduction of any new rolling stock. | ITSRR | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 30. The rail safety regulator should set standards for the design, manufacture, testing and commissioning of rolling stock to ensure that the rolling stock is fit for its purpose. | Supported in principle and being implemented through other means. ITSRR will introduce regulations including for rolling stock that set out the expectations (or performance outcomes) required of industry. The regulations will be developed on a national basis, through the National Transport Commission process, to ensure consistent application across the Australian rail industry. Notwithstanding the expectation that industry will develop and maintain appropriate safety standards, ITSRR will retain the power to mandate such standards if the industry clearly fails to deliver satisfactory safety outcomes. | ITSRR will refer matter to NTC for development of National Regulation.<br><br>In the interim, ITSRR will require operators, through the accreditation process to meet existing industry standards for rolling stock acquisition, including AS4292, rolling stock units, Train Operating Conditions and Industry technical codes.. | ITSRR | Open | Response Received |
| **Driver safety systems** | | | | | |
| 31. All trains must be fitted with a minimum of two independent engineering defences to minimise the risk of derailment or collision in the event of train driver incapacitation. | Supported in principle for further review. ITSRR supports this for driver-only operations and will review its application on an industry-wide basis. It has been implemented on all RailCorp passenger trains. Driver safety systems and train protection systems are interrelated but may also be implemented independently. Recommendations 31-33 need to be reviewed in light of this relationship. All RailCorp passenger rollingstock have a minimum of two engineering defences (deadman, vigilance, trainstops) except 600 class (those operating in the Hunter Valley) which will be replaced from the end of 2005 with rollingstock that complies with this requirement. In the meantime on 600 class, the train guard travels with the driver as added protection for driver incapacitation. | ITSRR currently requires through the existing accreditation process all driver – only trains (ie one person in the drivers cab) to be fitted with two independent engineering defences. ITSRR to develop and lead a review of the need for a second engineering defence in non-driver only trains.<br>ITSRR to establish position following review. | ITSRR | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 32. RailCorp should progressively implement, within a reasonable time, level 2 automatic train protection with the features identified in chapter 7 of this report. | Requires further detailed review. The Government supports the implementation of additional train protection systems. Implementation of level 2 ATP as detailed in the recommendation would involve the replacement of all line-side signalling on the RailCorp network with on-train control systems. In addition every intra and inter-state train accessing the network would also need to be equipped with level 2 ATP technology. RailCorp has already retained consultants to undertake evaluation and risk assessment regarding implementation of additional automatic train protection systems on the RailCorp network. RailCorp will work with the Australian Rail Track Corporation (which operates the interstate network) to develop, in conjunction with ITSRR and interstate rail regulators, a national standard for an automatic train protection system. RailCorp will also undertake a comprehensive review which will include a risk assessment, technical feasibility and cost benefit analysis of introducing level 1 ATP as well as level 2 ATP, as recommended by the Commission. Consistent with recommendation 34 any future options will need to be assessed by independent verification of acceptable risk. | A detailed technical review of available options.<br>This is to be a project lead by RailCorp. The major outcome of the project is to be a business case for Government concerning ATP. | RailCorp | Open | Response Received |
| 33. All new rolling stock should be designed to be compatible with at least level 2 automatic train protection discussed in chapter 7 of this report. | Requires further detailed review. See R 32. | Recommendation incorporated into review that will be undertaken in response to Recommendation 32.<br><br>ITSRR will refer matter to NTC for the development of regulation/standards for rolling stock. | ITSRR | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| **Risk assessment and risk control procedures** | | | | | |
| 34. RailCorp should undertake risk assessments of each of its activities as follows: | Supported and being implemented. RailCorp has undertaken the development of a Risk Management Framework, with the assistance of external safety experts. The draft Risk Management Framework will be assessed against Recommendations 34 (a) to (h) to ensure the Framework addresses them. | RailCorp's new Risk Management framework will incorporate requirements Recommendation 34(a) to (h). | RailCorp | Open | Response Received |
| (a) identify the features of the system, subsystem or activities that are to be risk assessed and managed, to determine what makes the system work in terms of equipment, infrastructure and human factors; | Supported and being implemented. | RailCorp's new Risk Management framework will incorporate requirements Recommendation 34(a) to (h). | | | |
| (b) identify all hazards that may exist within the particular system, subsystem or activity, whether it is a driver safety system, passenger safety system, engineering design system, train maintenance system or involves human factors or performance; | Supported and being implemented. | RailCorp's new Risk Management framework will incorporate requirements Recommendation 34(a) to (h). | | | |
| (c) identify what controls are in place to eliminate or minimise the risks associated with any identified hazard; | Supported and being implemented. | RailCorp's new Risk Management framework will incorporate requirements Recommendation 34(a) to (h). | | | |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| (d) test the validity of the controls to ensure that the risk is eliminated or reduced to an acceptable level and, if not, institute additional or further control measures; | Supported and being implemented. | RailCorp's new Risk Management framework will incorporate requirements Recommendation 34(a) to (h). | | | |
| (e) specify, in safety documentation, the level of any residual risk; | Supported and being implemented. | RailCorp's new Risk Management framework will incorporate requirements Recommendation 34(a) to (h). | | | |
| (f) in the case of low probability, high consequence risks retain the services of an independent verifier of the risk assessments and controls to certify that all risks of such potentially catastrophic accidents have either been eliminated, or controlled to the extent identified by the independent expert; | Supported in principle for further review. RailCorp will investigate the availability of independent experts willing to undertake this certification role. | RailCorp's new Risk Management framework will incorporate requirements Recommendation 34(a) to (h). | | | |
| (g) the Board of RailCorp certify that it regards any residual risk of a high consequence, low probability accident as acceptable, notwithstanding the severity of the consequences, by reason of the cost of further measures to control the risk; and | Supported in principle and being implemented through other means The RailCorp Board is prepared to certify that the risk management processes designed to achieve this are in place. | RailCorp's new Risk Management framework will incorporate requirements Recommendation 34(a) to (h). | | | |
| (h) provide to ITSRR records of the processes of hazard identification, risk assessment, risk control, independent verification and certification, and any Board certification relating to any high consequence, low probability accident. | Supported. | RailCorp's new Risk Management framework will incorporate requirements Recommendation 34(a) to (h). | | | |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 35. The ITSRR should conduct its own risk assessment in relation to the risk of any such high consequence, low probability accident and, if necessary, direct RailCorp to conduct a further risk assessment to reduce the level of residual risk to a level ITSRR regards as acceptable. | Not supported. ITSRR is working with industry at the national level to identify appropriate risk assessment methods and consistent standards for regulators to accept risk assessments. This will provide rail operators with guidance on the level and depth of risk assessment required by them as part of Accreditation. ITSRR has undertaken a Risk Vulnerability Study to identify the significant risks faced by Rail Operators and the corresponding risk control measures. The National Transport Commission is also developing a Risk Acceptance Criteria Project to provide further guidance to the rail industry on acceptable levels of risk. ITSRR's role in relation to operator risk assessment is to ensure that they have the competence and capacity to identify and control risks. | Rejected. Closed. | Not Assigned | Closed | Recommendation Rejected |
| **Data loggers** | | | | | |
| 36. The ITSRR should impose a standard in relation to the collection and use of data from data loggers. | Supported in principle for implementation through other means. ITSRR will introduce regulations including for data loggers that set out the expectations (or performance outcomes) required of industry. The regulations will be developed on a national basis, through the National Transport Commission process, to ensure consistent application across the Australian rail industry. Notwithstanding the expectation that industry will develop and maintain appropriate safety standards, ITSRR will retain the power to mandate such standards if the industry clearly fails to deliver satisfactory safety outcomes. | ITSRR will refer matter to NTC for development of National Regulation<br>In the interim, ITSRR will review existing standards set in access agreements to ensure adequate standards for collection and use of data. | ITSRR | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 37. The standard in relation to the collection and use of data from data loggers should provide that such information must be accessed in the circumstances of any accident or incident and can be accessed to monitor driver performance generally. | Supported in principle for implementation through other means. (See R 36) Information from data loggers can be accessed to monitor for any incident or accident and can be accessed to monitor a driver's performance generally. | ITSRR will refer matter NTC for development of National Regulation<br>ITSRR will adopt National Regulation<br>In the interim, ITSRR will seek from RailCorp proposals to improve the monitoring of driver performance (especially for training purposes) | ITSRR | Open | Response Received |
| **Communications** | | | | | |
| 38. There must be compatibility of communications systems throughout the rail network. It is essential that all train drivers, train controllers, signallers, train guards and supervisors of trackside work gangs in New South Wales be able to communicate using the same technology. | Supported and being implemented. The National Standing Committee of Transport endorsed the Australasian Railway Association working with operators and regulators, including RailCorp and ITSRR, to develop a national approach on communications systems, which has agreed minimum functionality requirements for train radio systems. RailCorp plans to implement a digital train radio system. An objective of this system is for it to be interoperable with existing analogue radio systems. Because of the technical complexities associated with achieving inter-operability, this has been a longer-term initiative and the first stage of its implementation will commence in 2005. | ITSRR to ensure functionality and compatibility requirements included in national standard, currently under development by the Australasian Railway Association. .<br>ITSRR to ensure RailCorp/ARTC Radio Functionality for next generation technology compatibility requirements. | ITSRR | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 39. Communications procedures must be standardised throughout the rail network, so that all railway employees describe the same subject matter in an identical way. | Supported. RailCorp Network Procedures contain standardised communications procedures, which are in place across the NSW network. ITSRR will introduce regulations including for communications that set out the expectations (or performance outcomes) required of industry. The regulations will be developed on a national basis, through the National Transport Commission process, to ensure consistent application across the Australian rail industry. | ITSRR to ensure that standard communications procedures are included in Network rules.<br>ITSRR to ensure that appropriate Training is provided by operator including:<br>a) Evidence of Development of Training Program that addresses issues. (Includes Development Process, Training Aids / Curriculum.)<br>b) Evidence of Appropriate Assessment Competency. (Delivery of course by appropriately qualified trainers.)<br>c) Evidence of process to ensure the training of new staff and the Refresher training of existing staff.<br>d) Review process built-in, to take into account relevance and changes.<br>ITSRR will refer matter to the NTC for development of National regulations. | ITSRR | Open | Response Received |
| 40. All RMC communications related staff should be selected upon the basis of the ability to convey information clearly, accurately and concisely and to follow strict communications protocols. | Supported. | Appropriate Selection Criteria Developed.<br>Appropriate weighing given to Developed Selection Criteria when selecting staff. | RailCorp | Open | Response Received |
| 41. All communications protocols must be strictly enforced by all accredited rail organisations. | Supported. | ITSRR to ensure that rail operators have internal processes in place to audit and monitor compliance with protocols.<br>ITSRR will enforce these systems through its compliance & inspection program | ITSRR | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 42. The ITSRR should audit the RMC to ensure communications protocols are being followed. The sanction for non-compliance with communications protocols should be identical to that in the aviation industry and involve immediate removal from duty. Any RailCorp employee not following communications protocols should be required to undertake further training. If, following return to duties after such training, the officer continues to fail to comply with communications protocols, that officer is not to be employed in communications related work. | Supported in principle and being implemented through other means. ITSRR will take action against operators who fail to manage non-compliance with these protocols. | ITSRR to ensure that Communications protocols are included as a specific compliance/audit criteria in ITSRR's compliance and Audit program.<br>ITSRR will also review operators processes to ensure they have systems in place to effectively deal with non-compliant staff. | ITSRR | Open | Response Received |
| 43. Communications protocols and procedures should be standardised and mandated by regulations making them a condition of accreditation. | Supported. As for R 39. | ITSRR will refer matter to NTC for development of National Regulation<br>ITSRR will adopt National Regulation<br>In the interim, ITSRR will enforce compliance with the current protocols through its accreditation, audit and compliance activities. | ITSRR | Open | Response Received |
| 44. ITSRR should ensure, as a condition of accreditation, each of these recommendations is carried into effect and should audit against them to enforce compliance. | Supported. As for R 39. | ITSRR will include these requirements as specific criteria in ITSRR's compliance inspection and audit program | ITSRR | Open | Response Received |
| 45. The ITSRR should conduct random audits of accredited rail organisations for compliance with communications protocols. | Supported and being implemented. | ITSRR will specifically audit train recordings to determine actual compliance in the field. | ITSRR | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 46. There should be interoperability of communications equipment between all trains operating on the New South Wales rail network. | Supported and being implemented. Interoperability is defined in terms of the driver having one hand-set with interfaces to allow communications with the appropriate operating personnel. It does not imply a single all-users radio system. The National Standing Committee of Transport endorsed the Australasian Railway Association working with operators and regulators, including RailCorp and ITSRR, to develop a national approach on communications systems, which has agreed minimum functionality requirements for train radio systems. RailCorp plans to implement a digital train radio system. An objective of this system is for it to be interoperable with existing analogue radio systems. Because of the technical complexities associated with achieving inter-operability, this has been a longer-term initiative and. the first stage of its implementation will commence in 2005. | ITSRR to ensure compatibility requirements included in national standard currently being developed by the ARA.<br>ITSRR to ensure RailCorp/ARTC Radio Functionality for next generation technology addresses compatibility requirements.<br>In the interim ITSRR will mandate through regulation the requirement for train radio communications equipment that allows communication between all trains operating on the NSW network in an emergency situation. | ITSRR | Open | Response Received |
| **Train maintenance** | | | | | |
| 47. Defects reporting, recording and rectification should be integrated with the RailCorp regimes for train maintenance. | Supported and being implemented. | RailCorp to have effective Maintenance Regime in place that ensures integration of defects reporting, recording and recertification. | RailCorp | Open | Company Claims Closure |
| 48. All train drivers' defects reports should be entered by RailCorp into a computerised record and tracked to finalisation. | Supported and being implemented. | RailCorp to have effective procedures and database to ensure all defects reports are entered and tracked to finalisation. | RailCorp | Open | Company Claims Closure |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 49. No RailCorp train should enter into revenue service or remain in service if, in the opinion of the driver in charge of that train, any defect in it creates a risk of injury. | Supported. | RailCorp to have instructions in place clearly identifying issue when a train is not to enter or remain in service. RailCorp to have process to ensure all relevant staff aware of requirements. | RailCorp | Open | Company Claims Closure |
| 50. All reported train defects should be certified by a person in a supervisory position in RailCorp as having been rectified. | Supported and being implemented. a supervisory position in RailCorp as having been rectified. | RailCorp to have identified an appropriate position to sign off train defects that have been rectified. RailCorp to have implemented procedures to support and implement process. | RailCorp | Open | Response Received |
| 51. The RailCorp defects unit should be combined with the passenger fleet maintenance division of RailCorp. | Supported and being implemented. | RailCorp defects unit combined with the passenger fleet maintenance division. Appropriate processes and procedures in place. | RailCorp | Open | Company Claims Closure |
| 52. Maintenance plans on all trains should be revised annually. | Supported in principle for further review. All maintenance plans are being reviewed. RailCorp will incorporate this recommendation in that review. | All plans reviewed. Process to ensure regular / appropriate reviews take place | RailCorp | Open | Response Received |
| 53. Train inspections should be carried out at the time of stabling RailCorp trains, as well as a part of train preparation prior to entering service. | Supported in principle for further review. RailCorp is reviewing procedures and resources to rectify defects. RailCorp provides time for drivers of stabling trains to report any noted defect. | A documented risk assessment and/or business case by RailCorp detailing how train integrity on entering into service is to be managed | RailCorp | Open | Response Received |
| **Alcohol and drug testing** | | | | | |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 54. Random alcohol testing should be continued. | Supported. | ITSRR to ensure current programs continue | ITSRR | Open | Company Claims Closure |
| 55. Alcohol and drug testing should be mandatory for any train driver or guard involved in any accident or incident. | Supported. ITSRR will review this recommendation as part of its ongoing involvement in checking Drug & Alcohol Programs of rail operators. RailCorp currently tests randomly for drugs and alcohol and allows for drug and alcohol testing to be undertaken for safety-related accidents and incidents. | ITSRR to Develop guideline on when/which accidents/incidents require mandatory testing. | ITSRR | Open | Response Received |
| 56. RailCorp should continue its system of voluntary self-identification and rehabilitation of employees with alcohol or drug related problems. | Supported. | RailCorp has voluntary self-identification system and rehabilitation of employees with alcohol / drug related problems. Current program continues | RailCorp | Open | Company Claims Closure |
| **Periodic medical examinations** | | | | | |
| 57. The ITSRR should develop standards for periodic medical examinations which include the following: | | ITSRR to ensure standard is in place | ITSRR | Open | Acceptable Response |
| (a) all medical examinations of safety critical employees must contain a predictive element, including use of a cardiac risk factor predictions chart to assess risk of sudden incapacitation, and follow-up procedures, where indicated; | Supported and being implemented. A National Standard for Medical Health Assessments for the rail industry is in place. | Implemented in current standard | | Open | Company claims closure |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| (b) medical examinations must be conducted by medical practitioners with an understanding of the duties and responsibilities of the safety critical employees being examined; | Implemented. | Implemented in current standard | | Open | Company claims closure |
| (c) a medical practitioner conducting such a medical examination should, with the employee's consent, have access to his or her medical history. If such consent is not given, the employee must be required to undertake a more exhaustive medical examination with specialist diagnostic procedures; | Implemented. | Implemented in current standard | | Open | Company claims closure |
| (d) all such medical examinations must be reviewed on behalf of the employer by an occupational physician; | Supported. ITSRR will submit this recommendation to the National Transport Commission (NTC) for consideration as part of the National Standard. | ITSRR will submit recommendation to NTC for consideration in context of current standard | | Open | Response Received |
| (e) appropriate follow up examinations, such as a stress ECG or examination by a cardiologist, must be arranged for any safety critical employee whom the occupational physician believes may be at risk of sudden incapacitation; | Supported. ITSRR will submit this recommendation to the National Transport Commission for consideration as part of the National Standard. | ITSRR will submit recommendation to NTC for consideration in context of current standard | | Open | Response Received |
| (f) medical histories of employees should be monitored by an occupational physician to enable identification of any trends that may indicate a deteriorating state of health; | Supported in principle and being implemented through other means. The standard requires follow-up examinations to be arranged for safety critical workers whom the examining doctor (AHP) believes may be at risk of sudden incapacitation. *Note The Health Assessment Standards refer to an Authorised Health Professional, who is not necessarily an occupational physician but is a doctor who has received the appropriate training. | ITSRR will submit recommendation to NTC for consideration in context of current standard | | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| (g) routine basic psychological screening, by means of a questionnaire such as the KIO questionnaire, should form part of periodical medical examinations; | Supported. ITSRR will submit this recommendation to the National Transport Commission for consideration. | Implemented .in current standard | | Open | Company claims closure |
| (h) medical standards should be reviewed at least every five years to ensure that recent advances in medical knowledge and technology are utilised; and | Supported and implemented. | Implemented in current standard. | | Open | Company claims closure |
| (i) periodic examination standards prescribed by ITSRR should take into consideration medical standards for safety critical rail staff prescribed elsewhere in Australia to ensure, so far as possible, uniformity of such standards. | Implemented. The national standard is to be reviewed every five years. | Implemented. in current standard | | Open | Company claims closure |
| **Safety document control** | | | | | |
| 58. RailCorp should establish a comprehensive safety document management system. | Supported. | RailCorp Safety Document Management System to be Implemented which incorporates recommendation 59-62. | RailCorp | Open | Response Received |
| 59. The safety document management system should provide for the distribution of electronic versions of safety documentation to relevant staff. | Supported and being implemented. | The Rail Safety Document Management System ensures the distribution of electronic versions of safety documentation to relevant staff. | RailCorp | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 60. RailCorp should employ a Chief Safety Information Officer to manage the collection, collation information within RailCorp. | Supported in principle and being implemented through other means. RailCorp has employed a Manager Information Systems within Corporate Safety Group whose role and accountabilities include these requirements. | Position established.<br>Position Description reflects appropriate responsibilities and accountabilities. | RailCorp | Open | Response Received |
| 61. RailCorp should provide access to electronic versions of safety documentation for all operational staff at their workplace. | Supported in principle for further review. RailCorp is reviewing options for providing all staff with the best and appropriate means of accessing safety documentation, including by electronic means. | The Rail Safety Document Management System ensures the distribution of electronic versions of safety documentation to relevant staff.<br>Procedures in place so that all operational staff can access safety documentation at appropriate times. | RailCorp | Open | Response Received |
| 62. The ITSRR should have permanent access to the RailCorp intranet. | Supported in principle for implementation through other means. ITSRR has a number of means available to it to obtain information from RailCorp and other rail operators when required, including access to an operator's intranet where electronic safety information is maintained. This occurs for example during an audit of an operator. | RailCorp and ITSRR to reach agreement on the access requirement | RailCorp | Open | Response Received |
| 63. The ITSRR should establish an electronic document control system to enable effective and reliable information to be gathered for monitoring the safety of the New South Wales rail system. | Supported and being implemented. | ITSRR establish and implement electronic document control system.<br>Appropriate policy, procedures and training developed. | ITSRR | Open | Response Received |
| 64. RailCorp and ITSRR should co-operate with national programs for the collection, collation, trend analysis and dissemination of safety critical information. | Supported and being implemented. | ITSRR continues its active participation in the National Rail Occurrance Database (NROD) and provides guidelines to Industry on reporting requirements consistent with NROD. | ITSRR | Open | Company Claims Closure |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| **Train driver and guard training** | | | | | |
| 65 Recommendations one to seven of the final report of the Special Commission of Inquiry into the Glenbrook Rail Accident should be fully implemented, save that the random auditing referred to in recommendations five and seven should be carried out by ITSRR. | Supported and being implemented. ITSRR and RailCorp will review the implementation of all the seven recommendations in light of the Waterfall Inquiry. | RailCorp to conduct an Audit review of Recommendations 1-7 of Glenbrook report. RailCorp to develop an overall training development program based on competences identified in Glenbrook Recommendations 1-7. This is expected to deal with training related issues identified in recommendations from SCOI/Glenbrook. | RailCorp | Open | Response Received |
| 66. RailCorp should use its simulators in an interactive manner. | Supported and being implemented. | RailCorp to provide:<br><br>a) Evidence of Development of Training Program that addresses issues in recommendations 66-70 (Includes Development Process, Training Aids / Curriculum.)<br>b) Evidence of Appropriate Assessment Competency.(Delivery of course by appropriately qualified trainers.)<br>c) Evidence of process to ensure the training of new staff and the Refresher training of existing staff.<br>d) Review process built-in, to take into account relevance and changes. | RailCorp | Open | Company Claims Closure |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 67. RailCorp should use its simulators to train drivers and guards in methods of dealing with degraded operations on the rail network. | Supported and being implemented. | RailCorp to provide:<br><br>a) Evidence of Development of Training Program that addresses issues in recommendations 66-70 (Includes Development Process, Training Aids / Curriculum.)<br>b) Evidence of Appropriate Assessment Competency.(Delivery of course by appropriately qualified trainers.)<br>c) Evidence of process to ensure the training of new staff and the Refresher training of existing staff.<br>d) Review process built-in, to take into account relevance and changes. | RailCorp | Open | Company Claims Closure |
| 68. Train driver and guard training should encourage teamwork and discourage authority gradients. | Supported and being implemented. | RailCorp to provide:<br><br>a) Evidence of Development of Training Program that addresses issues in recommendations 66-70 (Includes Development Process, Training Aids / Curriculum.)<br>b) Evidence of Appropriate Assessment Competency.(Delivery of course by appropriately qualified trainers.)<br>c) Evidence of process to ensure the training of new staff and the Refresher training of existing staff.<br>d) Review process built-in, to take into account relevance and changes. | RailCorp | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 69. RailCorp must establish a task analysis for particular categories of employees, to identify the specific skills and responsibility of those employees or groups of employees, and thereafter undertake a training needs analysis, to develop the skills required in particular areas. | Supported and being implemented. | RailCorp to provide:<br><br>a) Evidence of Development of Training Program that addresses issues in recommendations 66-70 (Includes Development Process, Training Aids / Curriculum.)<br>b) Evidence of Appropriate Assessment Competency.(Delivery of course by appropriately qualified trainers.)<br>c) Evidence of process to ensure the training of new staff and the Refresher training of existing staff.<br>d) Review process built-in, to take into account relevance and changes. | RailCorp | Open | Response Received |
| 70. Training should be based upon a needs analysis, to determine what skills a particular person will require to carry out the tasks of any position safely and efficiently, and instruction and practice, to acquire and demonstrate those skills. | Supported and being implemented. | RailCorp to provide evidence of a corporate system to identify skills development requirements based on a needs analysis. | RailCorp | Open | Response Received |
| 71. The position of team leader should be created by RailCorp to be responsible for a group of approximately 30 train drivers, with responsibility to ensure that each train driver's training needs are being met and that any safety concerns of train drivers are being properly addressed. The team leaders are to have direct access to the Chief Executive of RailCorp if any safety concerns they have are not addressed. | Supported in principle for further review. RailCorp is reviewing the current supervisory structure of train crewing in light of this recommendation. | Creation and introduction of appropriate position to carry out functions outlined in Rec 71. | RailCorp | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| **Rail accident investigation** | | | | | |
| 72. The New South Wales Government should make the necessary arrangements with the Australian Government, including any necessary legislation, for the Australian Transport Safety Bureau (ATSB) to have the power to investigate all rail accidents occurring on the New South Wales rail network the investigation of which may advance the knowledge of the causes of rail accidents in Australia. | Supported in principle. The Minister for Transport has written to the Commonwealth Minister for Transport to initiate negotiations on the appropriate mechanisms to enable the ATSB to undertake investigations referred to it by the NSW Government. This may require legislation in NSW via state referral of power to the Commonwealth. | Review and develop appropriate MOU. Mechanisms in place to provide for ATSB to undertake investigations referred to it by the NSW Government. | OTSI | Open | Response Received |
| 73. The ITSRR should ensure that OTSI, as a division of ITSRR, cooperates and assists the ATSB in the conduct of any independent investigation by the ATSB of any rail accident or incident in New South Wales. | Supported in principle. See R 72 | Review and develop appropriate MOU. | OTSI | Open | Response Received |
| 74. The ATSB should deliver any report of any such rail accident which it investigates to the Board of any rail organisation involved in the accident, ITSRR and the Minister for Transport Services. | Supported in principle. See R 72 | Review and develop appropriate MOU. | OTSI | Open | Response Received |
| 75. All ATSB accident investigation reports should be made public. | Supported. The NSW Government is advised the accident investigation reports are already published by this Commonwealth agency. | ITSRR to confirm with ATSB that its investigation reports are made public. | ITSRR | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 76. The ITSRR should establish a data and information management system, containing all data and information that it requires, to continually monitor the safety of the New South Wales rail system. | Supported and being implemented. | ITSRR will amend its Data and Information management system to incorporate requirements of recommendation 76-77. | ITSRR | Open | Response Received |
| 77. The data and information management system should be compatible with any data and information management system established by the ATSB for the designated interstate rail network, provided that the establishment of a compatible system does not reduce the amount or quality of the information obtained by ITSRR below the optimum levels which it needs to conduct trend analysis, and otherwise properly manage the safety of rail operations in New South Wales. | Supported in principle and being implemented through other means. See also R 64. NSW already shares data with the ATSB and is working with other agencies in a project being managed by ATSB to expand the range of information which can be shared between all relevant agencies. | ITSRR will amend its Data and Information management system to incorporate requirements of recommendation 76-77. | ITSRR | Open | Response Received |
| 78. The OTSI should continue to conduct rail accident investigations on behalf of ITSRR and report directly to the Chief Executive of ITSRR. | Supported in principle and being implemented other means. OTSI will be established as a separate agency independent of ITSRR, reporting directly to the Minister for Transport. OTSI will continue to conduct “just culture” investigations in NSW. | OTSI established as a separate agency to ITSRR. | ITSRR | Open | Response Received |
| 79. The relevant legislation should be amended to provide expressly that OTSI and the Chief Investigator have the power to initiate a rail accident or incident investigation. | Supported. | Legislation amended to provide for OTSI / Chief Investigator to initiate a rail accident/incident investigation. | ITSRR | Open | Response Received |
| 80. Any barriers to communication between OTSI and ITSRR should be removed, so as to ensure that any findings made by OTSI in relation to any investigation it conducts are reported immediately to ITSRR. | Supported. | Develop MOU between OTSI and ITSRR | ITSRR | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 81. All reports of the Chief Investigator of OTSI should be delivered, upon completion and without being reviewed, to ITSRR and the Minister for Transport Services. | Supported. | Legislation already provides for OTSI reports to go to Minister for tabling in parliament. ITSRR receives OTSI investigation reports as an interested party. This process will be incorporated into the MOU between OTSI and ITSRR. | OTSI | Open | Response Received |
| 82. Legislation should be enacted and any necessary arrangements made, to enable the ATSB to review any reports of any investigation by a rail organisation or the OTSI into any serious incident or accident in New South Wales. | Supported in principle for further review. See R 72. | Review and develop appropriate MOU. | OTSI | Open | Response Received |
| **Safety culture** | | | | | |
| 83. RailCorp should develop a plan to be submitted to ITSRR to address the deficiencies in the safety culture of RailCorp, including: | | RailCorp to develop safety culture program which incorporates recommendation 83 (a) - (n) | RailCorp | Open | Response Received |
| (a) the means whereby RailCorp proposes to ensure that all its operational, administrative and managerial staff consider the safety implications of any decision or action undertaken by them; | Supported and being implemented. | RailCorp to develop safety culture program which incorporates recommendation 83 (a) - (n) | | | |
| (b) the means whereby any distrust between management and operational staff is removed and replaced by a culture in which the whole organisation is motivated towards the safe conduct of its transportation activities; | The RailCorp safety culture program will be reviewed to ensure compliance with this recommendation. | RailCorp to develop safety culture program which incorporates recommendation 83 (a) - (n) | | | |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| (c) the means whereby RailCorp proposes to implement a just culture instead of a blame culture; | The RailCorp safety culture program will be reviewed to ensure compliance with this recommendation. | RailCorp to develop safety culture program which incorporates recommendation 83 (a) - (n) | | | |
| (d) the means whereby RailCorp proposes to establish and implement accountability and responsibility of individuals for the safety of the activities that they undertake; | The RailCorp safety culture program will be reviewed to ensure compliance with this recommendation. | RailCorp to develop safety culture program which incorporates recommendation 83 (a) - (n) | | | |
| (e) the means whereby RailCorp proposes to measure the safety performance of all individuals with accountabilities and responsibilities for safety, for the purpose of determining whether their level of safety performance is satisfactory; | The RailCorp safety culture program will be reviewed to ensure compliance with this recommendation. | RailCorp to develop safety culture program which incorporates recommendation 83 (a) - (n) | | | |
| (f) the means whereby the Board of Directors, the Chief Executive and the Group General Managers intend, by their actions and behaviour, to foster the development of a safety culture in the organisation; | The RailCorp safety culture program will be reviewed to ensure compliance with this recommendation. | RailCorp to develop safety culture program which incorporates recommendation 83 (a) - (n) | | | |
| (g) the means whereby RailCorp proposes to reward employees for bringing safety issues to the attention of management, and the means whereby the management of the organisation proposes to track the safety issues raised, to ensure continual safety improvement; | The RailCorp safety culture program will be reviewed to ensure compliance with this recommendation. | RailCorp to develop safety culture program which incorporates recommendation 83 (a) - (n) | | | |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| (h) the means, generally, whereby RailCorp intends to replace the present culture of on-time running with a culture encouraging safe, efficient and reliable provision of rail services; | The RailCorp safety culture program will be reviewed to ensure compliance with this recommendation. | RailCorp to develop safety culture program which incorporates recommendation 83 (a) - (n) | | | |
| (i) the means whereby RailCorp proposes to ensure that communications protocols are followed by the employees of the RMC and all other employees engaged in safety critical work; | The RailCorp safety culture program will be reviewed to ensure compliance with this recommendation. | RailCorp to develop safety culture program which incorporates recommendation 83 (a) - (n) | | | |
| (j) the means whereby RailCorp proposes to set safety targets for the reduction of incidents overall, and incidents in particular classes, and the means whereby the relevant information is to be kept and collated for the purpose of measuring safety performance in those areas; | The RailCorp safety culture program will be reviewed to ensure compliance with this recommendation. | RailCorp to develop safety culture program which incorporates recommendation 83 (a) - (n) | | | |
| (k) the means whereby employees responsible for particular areas are rewarded for safety improvements in their areas of activity; | The RailCorp safety culture program will be reviewed to ensure compliance with this recommendation. | RailCorp to develop safety culture program which incorporates recommendation 83 (a) - (n) | | | |
| (l) the means whereby RailCorp intends to integrate safety in all aspects and at all levels of the transportation activities which it undertakes; | The RailCorp safety culture program will be reviewed to ensure compliance with this recommendation. | RailCorp to develop safety culture program which incorporates recommendation 83 (a) - (n) | | | |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| (m) the means whereby RailCorp proposes to train staff in processes of hazard analysis and risk management relevant to the particular activities that they conduct; and | The RailCorp safety culture program will be reviewed to ensure compliance with this recommendation. | RailCorp to develop safety culture program which incorporates recommendation 83 (a) - (n) | | | |
| (n) the means whereby RailCorp is to integrate the management of safety in all aspects into the general management of its business undertaking. | The RailCorp safety culture program will be reviewed to ensure compliance with this recommendation. | RailCorp to develop safety culture program which incorporates recommendation 83 (a) - (n) | | | |
| 84. If ITSRR accepts such a plan as an appropriate response to the existing weak safety culture, ITSRR should approve it and monitor the effectiveness of the plan. | Supported in principle. ITSRR is reviewing the process used to develop the Plan. ITSRR will also review the Plan as submitted and monitor its effectiveness. | ITSRR reviews RailCorp's plan and assess whether it incorporates recommendation 83(a) - (n)<br>ITSRR monitors implementation of plan | ITSRR | Open | Response Received |
| **Occupational health and safety** | | | | | |
| 85. RailCorp's approach to occupational health and safety should be proactive and involve the systematic analysis of all current hazards, risks and controls and an assessment of their adequacy to reduce the risk of injury to, or death of, employees to an acceptable level. | Supported and being implemented. | RailCorp to demonstrate the implementation of an integrated SMS as detailed in their accreditation application | RailCorp | Open | Company Claims Closure |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 86. RailCorp should integrate its management of occupational health and safety into its overall safety management. | Supported and being implemented. | Requirements to be part of SMS. | RailCorp | Open | Company Claims Closure |
| 87. Risk assessments of occupational health and safety issues by RailCorp should include an analysis of broader public safety risks and not be confined to narrow occupational health and safety issues. | Supported and being implemented. | Requirements to be part of SMS.<br>Appropriate Risk Management Framework in place. | RailCorp | Open | Company Claims Closure |
| **Passenger safety** | | | | | |
| 88. The RailCorp passenger containment policy must be abandoned. | Supported. RailCorp will review and replace the current containment policy, in consultation with ITSRR. The Commission recognised the complexity of determining appropriate policy and operational/technical arrangements for emergency egress from trains. Evidence to the Commission was that on some occasions passengers are best kept inside a train; in others they need to be able to escape. An independent risk assessment of the alternatives to the current policy will be undertaken. This risk assessment will be consistent with recommendation 34, and the replacement passenger containment policy will be based on its results. | Risk Assessment conducted.<br>Containment Policy reviewed.<br>New Policy developed and implemented. | RailCorp | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 89. There must be a minimum of two independent methods of self-initiated emergency escape for passengers from all trains at all times. | Requires further detailed review, subject to the risk assessment referred to in R88. | ITSRR has undertaken an initial review and recommended options for a standard.<br>ITSRR to develop principles for an appropriate standard incorporating review findings and refer matter to NTC for development of a national standard. | ITSRR | Open | Response Received |
| 90. All passenger trains must be fitted with an internal passenger emergency door release. | Requires further detailed review. See R 89. | ITSRR has undertaken an initial review and recommended options for a standard.<br>ITSRR to develop principles for an appropriate standard incorporating review findings and refer matter to NTC for development of a national standard.<br><br>ITSRR to ensure operators comply with standard. | ITSRR | Open | Response Received |
| 91. All passenger trains operating in New South Wales must be fitted with external emergency door releases which do not require any special key or other equipment to operate. | Supported and being implemented. RailCorp has commenced a modification program to ensure all external emergency door releases do not require special keys or other equipment to operate. | ITSRR has undertaken an initial review and recommended options for a standard.<br>ITSRR to develop principles for an appropriate standard incorporating review findings and refer matter to NTC for development of a national standard.<br><br>ITSRR to ensure operators comply with standard. | ITSRR | Open | Response Received |
| 92. The internal passenger emergency door release should be fitted with a facility which prevents it from operating unless the train is stationary. | Requires further detailed review. See R 89. | ITSRR has undertaken an initial review and recommended options for a standard.<br>ITSRR to develop principles for an appropriate standard incorporating review findings and refer matter to NTC for development of a national standard.<br><br>ITSRR to ensure operators comply with standard. | ITSRR | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 93. The operation of the train doors should have an override facility whereby the train driver or the guard can override an internal passenger emergency door release system if the door release is interfered with when there is no emergency. There should be an alarm, together with an intercom, in the train guard's compartment so that, if a passenger attempts to initiate an emergency door release, there is an appropriate delay during which time an alarm sounds in the train guard's compartment and the guard can then, after first attempting to speak via the intercom to the person concerned, if necessary, override the door release, and make an appropriate announcement over the intercom system in the train. | Requires further detailed review. See R 89. | ITSRR has undertaken an initial review and recommended options for a standard.<br>ITSRR to develop principles for an appropriate standard incorporating review findings and refer matter to NTC for development of a national standard.<br><br>ITSRR to ensure operators comply with standard. | ITSRR | Open | Response Received |
| 94. The risk of abuse of internal passenger emergency door releases should be further reduced by introducing significant penalties for any improper use of such an emergency facility. It should be a criminal offence for anyone to use or tamper improperly with an emergency escape facility in a train. | Supported. | Appropriate Legislation introduced. | ITSRR | Open | Response Received |
| 95. All passenger trains operating in New South Wales must have the external emergency door release clearly marked with the words "Emergency Door Release". | Supported and being implemented. | ITSRR has undertaken an initial review and recommended options for a standard.<br>ITSRR to develop principles for an appropriate standard incorporating review findings and refer matter to NTC for development of a national standard.<br><br>ITSRR to ensure operators comply with standard. | ITSRR | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 96. All RailCorp operational personnel should be trained in the location and operation of external emergency door release mechanisms. | Supported and being implemented. | RailCorp to provide:<br>a) Evidence of Development of Training Program that addresses issues. (Includes Development Process, Training Aids / Curriculum.)<br>b) Evidence of Appropriate Assessment Competency. (Delivery of course by appropriately qualified trainers.)<br>c) Evidence of process to ensure the training of new staff and the Refresher training of existing staff.<br>d) Review process built-in, to take into account relevance and changes. | RailCorp | Open | Company Claims Closure |
| 97. All emergency services personnel should be trained in the location and operation of emergency door release mechanisms on all rail cars. | Supported in principle and being implemented through other means. RailCorp has produced a training DVD showing the location and operation of external emergency door release mechanisms. 500 copies have been provided to each of Fire Services, Police and Ambulance. The very large number of emergency response personnel (including volunteer services) that may respond to a rail incident, means training of all personnel in the RailCorp Framework is unlikely to be achievable. Emergency Services will investigate with RailCorp extension of the DVD into a multimedia resource to improve the ability to educate wider numbers of emergency service workers. | Agreement between RailCorp and Emergency Services in place on most effective means of communication / training for location and operation of emergency door release mechanisms on all passenger cars.<br>Training aids developed/distributed. | Emergency service Agencies | Open | Response Received |
| 98. All trains should have windows available through which passengers can escape. | Requires further detailed review. See R 89. | ITSRR has undertaken an initial review and recommended options for a standard.<br>ITSRR to develop principles for an appropriate standard incorporating review findings and refer matter to NTC for development of a national standard .<br>ITSRR to ensure operators comply with standard. | ITSRR | Open | Await Response |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 99. All new rail cars must have appropriate signage and lighting identifying escape routes in the case of emergency. | Supported. | ITSRR has undertaken an initial review and recommended options for a standard.<br>ITSRR to develop principles for an appropriate standard incorporating review findings and refer matter to NTC for development of a national standard.<br><br>ITSRR to ensure operators comply with standard. | ITSRR | Open | Response Received |
| 100. All new rolling stock must be designed with an area of the roof through which emergency services personnel can access a rail car without encountering wiring or other equipment. That access point must be clearly marked with words such as “emergency services cut here”. | Requires further detailed review. See R 89. | ITSRR has undertaken an initial review and recommended options for a standard.<br>ITSRR to develop principles for an appropriate standard incorporating review findings and refer matter to NTC for development of a national standard.<br><br>ITSRR to ensure operators comply with standard. | ITSRR | Open | Response Received |
| 101. ITSRR should initiate and/or participate in the development of a national standard for crashworthiness of all passenger trains. | Supported. | ITSRR will refer matter NTC for development of National Regulation.<br>ITSRR will adopt National Regulation.<br><br>In the interim ITSRR will ensure compliance with existing industry standards through its accreditation process. | ITSRR | Open | Response Received |
| **Corporate governance** | | | | | |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 102. RailCorp should make it a condition of employment that all level 2 managers have or obtain a formal qualification in system safety management. | Supported in principle for further review. RailCorp has developed and implemented a program of safety science training for senior managers (levels 2, 3 and 4). A comprehensive review of available formal qualifications in system safety management, including international practice, with an option of having RailCorp's training formally recognised. | Program Implemented to ensure all level 2 Managers obtain formal qualifications in System Safety Management.<br>Position Description to reflect criteria. | RailCorp | Open | Response Received |
| 103. RailCorp should establish clear safety accountability statements and reporting lines for all management positions. | Supported. | Accountability Statements implemented for all management positions. | RailCorp | Open | Response Received |
| 104. The RailCorp Board should establish independent external safety auditing processes to regularly audit and report to the Board on the implementation of an integrated safety management system by RailCorp and on safety performance generally. | Supported and being implemented. | Program established that provides for Independent External Safety Audit.<br>Independent External Safety Audits conducted. | RailCorp | Open | Response Received |
| 105. The RailCorp Board should ensure that RailCorp has an adequate and integrated safety management system, including adequate systems for risk assessment, clearly defined safety responsibilities and accountabilities for persons holding management positions, and specific performance criteria against which evaluations can be made of safety performance and accountability for safety performance of all managers. | Supported and being implemented. | Implementation of RailCorp Safety Management System.<br>Clearly defined accountabilities to be in the SMS documents | RailCorp | Open | Response Received |
| 106. The RailCorp Board should require a full review of the safety competence of RailCorp managers to ensure that each has the ability to bring about those safety reforms recommended in this report which are applicable to his or her position. | Supported. | Review undertaken by RailCorp.<br>Recertification plans developed. | RailCorp | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 107. RailCorp should ensure that where the safety competency of any manager is deficient such manager is required to undertake professional development courses to raise his or her safety competency level to an adequate standard. | Supported. | Review undertaken by RailCorp.<br>Recertification plans developed. | RailCorp | Open | Response Received |
| 108. RailCorp should conduct internal and external safety audits to evaluate the adequacy of its safety management system and to ensure that any risk control measures are effective. | Supported and being implemented. RailCorp's annual safety audit plan includes audits to evaluate the adequacy of its safety management system and risk control measures. The 2005 audit plan includes 4 external audits. | Internal/External Audit plan developed.<br>Evidence of Audits conducted/Audit Reports.<br>Develop rectification plans.<br>(link to 104) | RailCorp | Open | Response Received |
| 109. Following completion of any external audit, a corrective action plan to remedy any identified safety deficiencies should be developed by RailCorp, implemented and followed up within the business groups affected, to ensure appropriate and timely completion of the action plan, by a formal examination of the effectiveness of the controls put in place. Senior management personnel should certify that the corrective action plan has been implemented and is effective. Senior management personnel should be accountable for any such certification. | Supported. | Develop rectification plans.<br>Formal closeout procedures/processes in place and monitoring program in place | RailCorp | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| **Safety reform** | | | | | |
| 110. A Safety Reform Program Director (hereafter referred to as SRPD), reporting directly to the Chief Executive of RailCorp, should be retained to manage, as head of a Safety Reform Program Office, any safety reform program being undertaken by RailCorp. The SRPD should work with the Chief Executive and senior management to ensure the implementation of an integrated safety management system and the cultural change required. The SRPD must have qualifications suitable for recognition by the Australian Institute of Project Management as a master program director. He or she should report to and be under the control of the Chief Executive, to ensure that the accountability of the Chief Executive is not reduced. The SRPD should co-ordinate and integrate any existing rail safety reform programs and, in consultation with and with the authority of the Chief Executive he or she should: | Supported. | Position established/filled.<br>Position Description reflects responsibilities in recommendations 110 (a) - (e) | RailCorp | Open | Response Received |
| (a) assign responsibility for particular aspects of the project to identifiable employees; | Supported. | Position established/filled.<br>Position Description reflects responsibilities in recommendations 110 (a) - (e) | | | |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| (b) ensure that each person to whom such an aspect of the program has been assigned has the time and resources to undertake the tasks each is required to perform; | Supported. | Position established/filled.<br>Position Description reflects responsibilities in recommendations 110 (a) - (e) | | | |
| (c) identify the period of time during which such persons are required to achieve the desired safety outcome for the particular aspect of the program; | Supported. | Position established/filled.<br>Position Description reflects responsibilities in recommendations 110 (a) - (e) | | | |
| (d) specify a clearly defined scope of work to be undertaken, a schedule setting out when such work is to be completed, and institute a system of measuring whether or not the objectives have been achieved in the time specified; and | Supported. | Position established/filled.<br>Position Description reflects responsibilities in recommendations 110 (a) - (e) | | | |
| (e) report to the Chief Executive of RailCorp on a monthly basis on each aspect of the program, and the Chief Executive is to report on a monthly basis to the RailCorp Board and to ITSRR, on the progress of each program. | Supported | Position established/filled.<br>Position Description reflects responsibilities in recommendations 110 (a) - (e) | | | |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| **Safety regulation** | | | | | |
| 111. The Advisory Board established under the Transport Legislation Amendment (Safety and Reliability) Act 2003 must be abolished. | Not supported. The statutory obligation of the ITSRR Advisory Board to review and provide advice to OTSI in regard to accident investigations and any functions of the Chairman in respect of accident investigation will be removed but the ITSRR Advisory Board will be retained as a source of expert advice to ITSRR. | Rejected. Closed. | Not assigned | Closed | Recommendation Rejected |
| 112. Legislative changes should be enacted to ensure the complete independence of ITSRR from the Minister for Transport Services. | Not supported. The principal objective of ITSRR is to facilitate the safe operation of transport services in the state and to promote safety and reliability as fundamental objectives in the delivery of transport services. As such it makes a critical contribution to the transport portfolio. ITSRR will be retained as an agency within the Transport portfolio, but its accountability and the responsibility of the CEO, and ITSRR's independence will be enhanced by providing explicit reporting requirements of ITSRR in the legislation and removing from legislation the requirement for the Advisory Board to review ITSRR reports. | Rejected. Closed. | Not assigned | Closed | Recommendation Rejected |
| 113. The Chief Executive of ITSRR should have sole accountability and responsibility for the regulation of rail safety in New South Wales. | Supported in principle. The Chief Executive of ITSRR administers the Government's rail safety legislation and provides advice on rail safety to the Government. | Implemented. Chief executive has sole accountability for administering Rail Safety Act | ITSRR | Open | Company Claims Closure |
| 114 The ITSRR should publish guidelines to be followed by accredited organisations. | Supported. | Have guidelines in place, ITSRR has a process to identify, develop and issue guidelines as required from time to time under the Rail Safety Act. | ITSRR | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 115. The ITSRR should not grant accreditation to any rail organisation unless it has an integrated safety management system in accordance with any safety management system regulation and the guidelines published from time to time by ITSRR. | Supported. | National Accreditation Package is the new standard for accreditation which includes requirement for an integrated SMS.<br>- National Accreditation Package will be supported by a regulation. | ITSRR | Open | Response Received |
| 116. The ITSRR should conduct field audits to satisfy itself that all accredited rail organisations conduct their activities in accordance with the safety management system on the basis of which each was accredited. | Supported | Implemented.<br>- Audit Program in place<br>- Compliance Program in place<br>- ITSRR Audit and Compliance programs are developed around and focused on the Safety Management Systems as submitted by accredited organisations. | ITSRR | Open | Company Claims Closure |
| 117. Staffing arrangements for ITSRR should be reviewed by to ensure that adequate staff are employed in field positions, actively monitoring the safety of rail operations and compliance with conditions of accreditation. | Supported. | Implemented<br>ITSRR reviews its field resources and staff allocation on a regular basis to ensure adequate staff are employed in field positions. | ITSRR | Open | Company Claims Closure |
| 118. All accredited rail organisations should be required to re-apply every three years to ITSRR for accreditation. | Not supported. Under the Rail Safety Act 2002, ITSRR has the right to require an operator to re-submit its Safety Management System (SMS), the central requirement of operator accreditation, at any time. This provides ongoing opportunity to review and check an operator's SMS as required rather than at a pre-determined frequency. Additionally, the National Rail Safety Accreditation Package (NRSAP) requires frequent audits of rail operators and evidence of continuous improvement in the operator's SMS. | Rejected. Closed. | Not assigned | Closed | Recommendation Rejected |
| 119. The ITSRR, when considering a reapplication for accreditation, should conduct a field audit of the organisation to ensure that it is carrying on its activities in accordance with the basis upon which it seeks accreditation. | Supported | Implemented.<br>ITSRR conducts regular field audits as part of it accreditation application process. | ITSRR | Open | Company Claims Closure |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| 120. The ITSRR should continue to participate in the development of a national system for rail safety regulation, provided that any ultimate agreement between the States and Territories and the Australian Government does not produce a safety outcome for New South Wales that is less than would be achieved by the implementation of all the recommendations contained in this report. | Supported in principle for further review. ITSRR will continue to participate in the development of a national system for rail safety regulation. | ITSRR Actively Participates in National Reform/ NTC processes.<br>ITSRR has as a principle that NSW will not accept national reform proposals which produce less safe outcomes. | ITSRR | Open | Company Claims Closure |
| **Integrated safety management** | | | | | |
| 121. A safety management system regulation should be promulgated, specifying the requirements of safety management systems in all accredited organisations, using Annexure I to this report as a guide. | Supported in principle for implementation through other means. ITSRR will introduce regulations that set out the expectations (or performance outcomes) required of industry. The regulations will be developed on a national basis, through the National Transport Commission process, to ensure consistent application across the Australian rail industry. | ITSRR will refer matter National Transport Commission for development of National Regulation.<br>ITSRR will adopt National Regulation.<br>In the interim, ITSRR has developed NAP which sets out requirements and has made NAP a condition of accreditation. | ITSRR | Open | Response Received |
| 122. RailCorp should establish an integrated safety management system which includes the following: | Supported. The RailCorp Board has approved the safety strategic plan and the engagement of external experts to assist in the development of an integrated safety management system for RailCorp. The safety management system has been developed and will be implemented in 2005, consistent with the requirements of RailCorp's provisional accreditation. (a) RailCorp will review its integrated safety management system against this recommendation to ensure consistency. | RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f) | RailCorp | Open | Response Received |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| (a) a formal performance management system, incorporating measurable safety accountabilities and responsibilities for each managerial position; | Supported. The RailCorp Board has approved the safety strategic plan and the engagement of external experts to assist in the development of an integrated safety management system for RailCorp. The safety management system has been developed and will be implemented in 2005, consistent with the requirements of RailCorp's provisional accreditation. (a) RailCorp will review its integrated safety management system against this recommendation to ensure consistency. | RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f) | | | |
| (b) defined safety accountability and responsibility statements for senior management; | RailCorp will review its integrated safety management system against this recommendation to ensure consistency. | RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f) | | | |
| (c) an effective means of reviewing and acting upon audit investigation and review findings; | RailCorp will review its integrated safety management system against this recommendation to ensure consistency. | RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f) | | | |
| (d) an effective system for managing audit and investigation findings, to ensure that | RailCorp will review its integrated safety management system against this recommendation to ensure consistency. | RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f) | | | |
| (e) criteria for recruitment and promotion of management staff, including safety management qualifications, experience and expertise; | RailCorp will review its integrated safety management system against this recommendation to ensure consistency. | RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f) | | | |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| (f) development of risk management procedures, including: | RailCorp will review its integrated safety management system against this recommendation to ensure consistency. | RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f) | | | |
| (i) analysis of the nature of the activities being undertaken; | | RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f) | | | |
| (ii) identification of all potential hazards within those activities; | | RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f) | | | |
| (iii) analysis of the nature of the hazard; | | RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f) | | | |
| (iv) analysis of the risks of the hazard materialising; | | RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f) | | | |
| (v) development of controls to mitigate the risk; | | RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f) | | | |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| (vi) development of systems for monitoring the effectiveness of the controls to ensure that they are working; | | RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f) | | | |
| (vii) development of a continuing program to enhance the development of safe practices at all levels of the organisation; | | RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f) | | | |
| (viii) development of key performance indicators for safety performance by all persons in management positions; | | RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f) | | | |
| (ix) development of a safety information data collection system which captures all hazards, occupational health and safety incidents, audit results, non-compliance findings and near miss reports; | | RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f) | | | |
| (x) development of a system to arrange in priority order, on the basis of data and trend analysis, those safety deficiencies which require the most urgent attention; | | RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f) | | | |
| (xi) design and implementation of communications protocols, including standard phraseology, with particular standard phraseology for emergency situations; and | | RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f) | | | |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| (xii) development of training systems, based upon training needs analysis. | | RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f) | | | |
| 123. RailCorp should establish a safety management system containing the 29 elements identified in the SMSEP report which is in volume 2 of this report. | Supported in principle and being implemented through other means. RailCorp's draft integrated safety management system incorporates the substance of all 29 elements identified in the SMSEP. | RailCorp to review its SMS to ensure that it incorporates 29 elements identified in SMSEP report. | RailCorp | Open | Response Received |
| 124. The ITSRR should ensure that RailCorp establishes a safety management system containing the 29 elements identified in the SMSEP report, and ensure the ongoing monitoring and improvement of the safety management system established. | Supported in principle and being implemented through other means. See R 123. | ITSRR to review RailCorp's SMS in line with the accreditation requirements outlined in recommendation 123. | ITSRR | Open | Response Received |
| **Implementation of recommendations** | | | | | |
| 125. The ITSRR must provide a quarterly report to the Minister for Transport Services on the progress made by RailCorp in implementing these recommendations, including: | Supported. | Quarterly Reports provided outlining progress towards implementation of the recommendation. | ITSRR | Open | Response Received |
| (a) a statement as to whether or not the recommendation has been implemented and, if so, is working effectively; and | Supported. | Quarterly Reports provided outlining issues raised in the recommendation. | ITSRR | | |

| RECOMMENDATION | GOVERNMENT RESPONSE | ITSRR EXPECTATION | Agency | Status | ITSRR Assessment |
|---|---|---|---|---|---|
| (b) if the recommendation has not been implemented, the means by which the safety objective of the recommendation is otherwise to be achieved. | Supported. | Quarterly Reports provided outlining issues raised in the recommendation. | ITSRR | | |
| 126. The Minister for Transport Services must table in Parliament, each such quarterly report by ITSRR. | Supported. | Reports tabled in Parliament. | ITSRR | Open | Response Received |
| 127. The Minister for Transport Services should retain, independently of ITSRR, safety auditors to provide a report to the Minister confirming or qualifying the contents of each such ITSRR quarterly report. | Not Supported. The Government is confident that ITSRR has the capacity and competence to effectively monitor and review implementation of the recommendations arising from the Commission's Final Report. An additional independent auditor would duplicate the work of ITSRR and may cause confusion about which agency is the primary regulatory authority. | Rejected. Closed. | Not assigned | Closed | Recommendation Rejected |