

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 implementation progress. This is the fifth Quarterly Report. It outlines progress made between 1 January 2006 and 31 March 2006.

Implementation Summary

Substantial implementation progress was made during the quarter with significant numbers of recommendations nominated for closure by agencies or verified and closed by ITSRR:

- ITSRR validated and closed out 48 (27%) recommendations (40 RailCorp, 2 NSW Emergency Services, 2 RailCorp and NSW Emergency Services and 4 ITSRR) in the following areas:
 - A training DVD for emergency personnel covering general rail safety training with additional training days being conducted in the field;
 - A new safety culture plan for RailCorp;
 - New regulations to mandate requirements for the inter-operability of train radio communications between all trains operating on the NSW rail network in an emergency situation;
 - Increased penalties for offences relating to interference with train doors and unauthorised use of certain safety equipment, and
 - Implementation of RailCorp's safety management system and risk management framework.

- Target dates for implementation of remaining recommendations remain on schedule, except for 3 (2%) recommendations largely concerning documentation of emergency response procedures which are scheduled for completion for the most part by the end of July 2006. These slippages

(detailed on page 11) do not pose immediate or significant safety risks to the NSW traveling public.

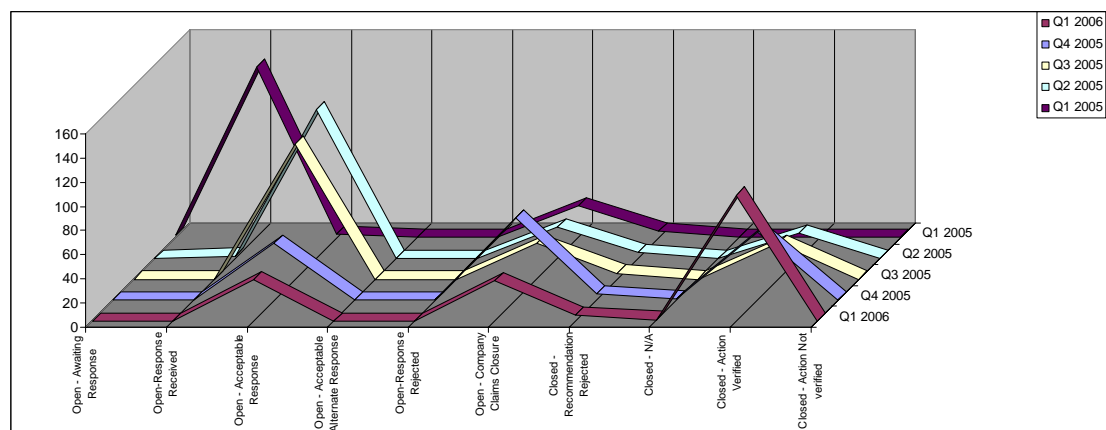
At the end of the reporting period, the cumulative implementation progress to date for all 177 recommendations (including 127 recommendations and 50 sub-elements) was as follows:

- 110 (62%) recommendations are verified and closed¹;
- A further 33 recommendations (19%) are currently claimed for closure by agencies and are currently being verified by ITSRR;
- A further 13 (7%) recommendations are due for completion by the end of 2006;
- 1 (0.5%) recommendation (the introduction of national communications technical standards) will be implemented by 2010 (unchanged from last quarter); and
- 20 (11.5%) recommendations referred to the National Transport Commission (NTC) have revised implementation timeframes based on advice from the NTC (unchanged from last quarter).

This brings the total number of recommendations currently closed or claimed by agencies to be closed (and being verified by ITSRR) to 143 or 81% of all recommendations. A further 13 recommendations are due to be implemented during 2006, bringing the total number due for completion by the end of 2006 to 156 or 88%. The remaining 21 relate to standards redevelopment and design issues. The current status of all of the safety actions, compared to their status in the previous quarters, is summarised below:

¹ including 5 that were rejected by the NSW Government and 1 which is no longer applicable

GRAPH 1: PROGRESSIVE STATUS ALL RECOMMENDATIONS BY QUARTER



As time progresses, it is expected that the peak will shift along the x-axis until all recommendations are closed.

Quarterly Progress

Recommendations Verified and Closed

In the reporting period, ITSRR verified and closed 48 recommendations and sub-elements. Forty of these were the responsibility of RailCorp. They included:

- Development of action emergency checklists for inclusion in RailCorp's emergency response plan (Recommendation 19);
- Implementation of RailCorp's Safety Risk Management Framework (Recommendation 34 a-h);
- Implementation of effective procedures to ensure recording in a data base of all train drivers' defects reports and tracking of these to finalisation (Recommendation 48);

- Preparation of a safety culture plan incorporating SCOI recommendations with subsequent review and acceptance by ITSRR (Recommendation 83 (a) - (n));
- An education program for Level 2 Managers to obtain formal qualifications in Systems Safety Management together with amended position descriptions requiring Level 2 Managers to have these qualifications (Recommendation 102);
- Implementation of an external auditing program which includes reports to RailCorp's Management Board on the effectiveness of its integrated safety management system and on safety performance generally (Recommendation 104);
- 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 the SCOI Report applicable to his or her position (Recommendation 106);
- Introduction of an internal and external audit program to evaluate the adequacy of RailCorp's safety management system and to ensure that any risk control measures are effective (Recommendation 108);
- Appointment of a Safety Reform Program Director to manage safety reform being undertaken by RailCorp (Recommendation 110 a – e); and
- Incorporation of SCOI recommendations into RailCorp's Safety Management System (SMS) (Recommendation 122 f) parts (i), (ii), (iii), (iv), (v), (vii) and (xii)).

The four ITSRR recommendations closed included:

- The requirement for all trains to be fitted with a minimum of two engineering defences against driver incapacitation. RailCorp has completed the fitting of a second engineering defence for its passenger trains. In its response to

the SCOI report, the Government agreed that ITSRR should undertake a review of the need for second defences in other trains in NSW (eg heritage operators, freight trains and track maintenance vehicles). ITSRR has completed its review (which is available on its website). The review has found that existing defences in heritage, passenger and freight operations (with second persons riding with the driver) are sufficient, however operators of track maintenance vehicles should undertake further risk assessments of their defence systems. This recommendation has therefore been closed as “acceptable alternative response” on the understanding that freight operators should retain the second driver unless that position is replaced with a second defence, and that ITSRR will continue to oversight the review by track maintenance vehicle operators of their defence systems (Recommendation 31).

- Introduction of a regulation to ensure that there is interoperability of communications equipment between all trains operating on the New South Wales rail network (Recommendation 46);
- A review and acceptance of RailCorp’s safety culture plan (Recommendation 84); and
- Introduction of increased penalties (from 50 penalty units (\$5,500) to 250 penalty units (\$27,500) for improper use of train safety and emergency equipment (Recommendation 94).

The two NSW Emergency Services recommendations closed included:

- Location of the command post for site control at the scene of a rail accident is now easily identified by NSW Police using green flashing lights together with Site Controller tabards placed at strategic locations (Recommendation 15); and

- Emergency services personnel were trained in the location and operation of emergency door release mechanisms on all rail cars (Recommendation 97).

The two RailCorp and NSW Emergency Services recommendations closed included:

- RailCorp's emergency response plan was provided to all emergency response agencies and relevant officers were trained in rail specific features of the plan (Recommendation 21); and
- Emergency response personnel were trained in the features of railways relevant to their work, such as the location and means of operation of all emergency door releases on trains (Recommendation 23).

Recommendations Claimed for Closure (and being verified)

During the reporting period, a further 5 recommendations were claimed for closure by RailCorp. These include:

- Training of relevant staff at RailCorp's Rail Management Centre in emergency assessment and response (Recommendation 1);
- Implementation of a system at RailCorp's Rail Management Centre to enable the identification of the precise location of trains on the RailCorp network (Recommendation 4);
- Revision of RailCorp's passenger containment policy (Recommendation 88);
- Establishment of clear accountability statements and reporting lines for all management positions within RailCorp (Recommendation 103); and
- Management of safety action plans arising from external audits (Recommendation 109).

Slippage

During the reporting period, one recommendation was not implemented by the scheduled date and the target dates for two other recommendations were revised based on advice from the responsible agency. In ITSRR's view, these recommendations do not pose immediate or significant safety risks to the NSW traveling public. The slippages in timeframes are scheduled for completion by the end of July 2006. The recommendations that slipped are in the following areas:

- Establishment of a training centre for emergency services personnel (Recommendation 28). RailCorp has established the training centre at Petersham. The State Emergency Management Committee (SEMC) has inspected the training facility and requested the State Rescue Board to inspect the facility to confirm its suitability. The State Rescue Board is expected to report back to the SEMC during the next quarter (slippage of three months).
- Development of a railway disaster plan by RailCorp and Emergency Services and for RailCorp to develop and implement an emergency response plan for the management of all rail incidents (Recommendations 10 & 18).

RailCorp has developed an Incident Management Framework (IMF) for the management of emergencies. The slippages primarily relate to the completion of Group and Local plans which support the IMF. The absence of these plans does not diminish RailCorp's capacity to respond to incidents in line with the IMF. Through RailCorp's Emergency Exercise Program, ITSRR has observed that processes are in place and that RailCorp continues to develop its capability to respond to such incidents. RailCorp has advised ITSRR these supporting plans will be in place by 31 July 2006 (slippage of four months).