

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 twelfth Quarterly Report. It outlines progress made between 1 October and 31 December 2007.

Implementation Summary

During the quarter no recommendations were closed but the following progress was made with regard to a number of the remaining recommendations:

- RailCorp commenced a trial of three types of Automatic Train Protection (ATP) technology on sections of the Blue Mountains line. Each of the three manufacturers will install their ATP system into a trial train which will then be tested over sections of track. To date one manufacturer has fitted a trial train and performed the tests.

ITSRR will review RailCorp's assessment of the outcomes of the trial following its completion in the first half of 2008 (Recommendation 32).

- The National Transport Commission (NTC) has included in its national legislation maintenance program the development of an appropriate amendment to the national model regulations to establish a new requirement that rolling stock operators ensure they are in a position to provide certain information relevant to the operation of their rolling stock if and when an accident or incident occurs. The target date of these recommendations is 30 June 2008 (Recommendations 36 and 37).
- NSW again raised the need for nationally consistent regulations for communication terminology, protocols and procedures with the NTC at

the December 2007 meeting of the Rail Safety Package Steering Committee (RSPSC). The NTC confirmed its view that a national regulation was not warranted and that such arrangements might be best achieved through national protocols, terminology and procedures developed and implemented by operators.

At the meeting, the Australasian Railway Association (ARA) indicated that its National Network Rules Project does include standard communication terminology, procedures and protocols which will meet the intent of this recommendation.

The Steering Committee agreed that the ARA should formally present to its March 2008 meeting on how the Network Rules Project will achieve the intent of this recommendation (Recommendation 43).

- ITSRR verified that RailCorp has implemented a process for auditing electric train faults. However, during verification, ITSRR identified instances where defects had not been entered into RailCorp's electronic defect reporting database (METRE) for rectification and subsequent audit findings by RailCorp identifying this error were not reported to RailCorp's Rolling Stock Division for rectification.

ITSRR alerted RailCorp to these issues and RailCorp has acted to address them. ITSRR will monitor whether these corrective actions have been successful in the next reporting period (Recommendation 53).

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

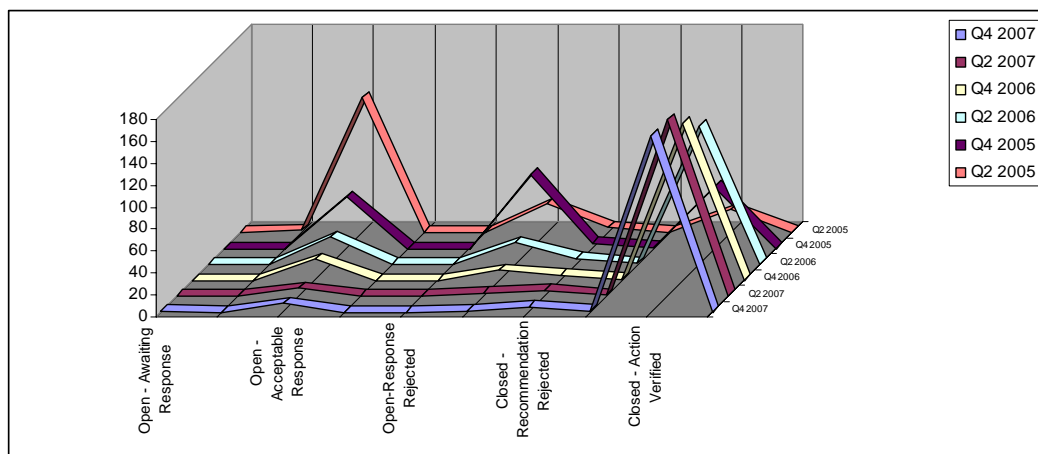
- 167 (94%) recommendations verified and closed
- 3 (2.5%) recommendations open acceptable response (Recommendations 1, 20 & 32)

- 2 (1%) recommendations slipped (Recommendations 30 & 71)
- 1 (0.5%) recommendation is currently claimed for closure by RailCorp and is being verified by ITSRR (Recommendation 53)
- 1 (0.5%) recommendation is scheduled to be implemented by 2010 (Recommendation 38)
- 2 (1%) recommendations referred to the NTC have revised implementation timeframes based on advice from the NTC (Recommendations 36 & 37)
- 1 (0.5%) recommendation previously reported as "open-acceptable-response" has been given a revised status of "open-await-response" (Recommendation 43).

This brings the total number of recommendations currently closed or claimed by agencies to be closed to 168 or 95% of all recommendations.

The current status of all of the safety actions, compared to that in previous quarters, is summarised below:

GRAPH 1: PROGRESSIVE STATUS OF ALL RECOMMENDATIONS BY QUARTER



As time has progressed the peak has shifted along the x-axis as the recommendations are closed.

Slippage

During the reporting period two recommendations were not implemented by their scheduled target dates. In ITSRR's view, these recommendations do not pose immediate or significant safety risks to the NSW travelling public. The recommendations that slipped are in the following areas:

- Recommendation 30 concerns the setting of standards for the design, manufacture and commissioning of rolling stock to ensure that it is fit for purpose.

In December 2006 the Australian Transport Council (ATC) voted in favour of the National Model Rail Safety Regulations. Item P of Schedule 1 to the Model Regulations require rail transport operators to have (and incorporate as part of their safety management system) a documented set of engineering standards and procedures, operational systems, safety standards and procedures, to cover rail infrastructure, rolling stock and operational systems and, if relevant, the interface between any two or more of them.

The Regulations require rail transport operators to have systems, procedures and standards sufficient to manage the lifecycle of their rail infrastructure and rolling stock from design, construction, and installation through to decommissioning or disposal. The implementation of these Regulations will meet the requirement of Recommendation 30 and was to be implemented by 31 December 2007.

In the previous quarter ITSRR released for public consultation draft NSW Regulations which adopt the approved National Model Rail Safety Regulations and support the *Rail Safety Bill 2007*. The draft Bill has been refined following the public consultation process and ITSRR is currently reviewing industry feedback on the draft Regulations.

In order to ensure consistency between rail safety and occupational health and safety laws in NSW, the Bill and Regulations will not be introduced to Parliament until the outcomes of the Stein Inquiry into the *Occupational Health and Safety Act 2000* have been considered.

While the target date for implementation of the national Regulations has slipped, the requirements of these Regulations are already being implemented in NSW through a mandatory Safety Management System (SMS) Guideline introduced by ITSRR. As it is a condition of accreditation that NSW rail operators comply with this Guideline, NSW has effectively regulated for the standards recommended by the SCOI. However, consistent with the Commission's findings that safety regulation reform should be pursued at the national level, ITSRR will continue to work towards the implementation of nationally consistent regulations covering SMS requirements (Recommendation 30).

- Recommendation 71 concerns the creation of an appropriate position within RailCorp that has responsibility for ensuring each train driver's training needs are being met and any safety concerns are properly addressed. Ongoing negotiations and consultation with service unions has meant it has taken longer than anticipated to fill these positions.

In the absence of this recommendation being implemented ITSRR proposes to meet with RailCorp in the next quarter to ensure train drivers' training needs are being met using other existing mechanisms and to assess whether the delay has any potential safety implications. A revised target date of 30 June 2008 has been set (Recommendation 71).