

## 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 nineteenth Quarterly Report. It outlines progress made between 1 July and 30 September 2009.

### Implementation Summary

During the reporting period one recommendation was verified and closed by ITSRR:

- Recommendation 43 requires standardised communications terminology, protocols and procedures mandated through regulations. The Rail Industry Safety and Standards Board (RISSB) is continuing to develop a National Rule Book which will include mandatory communications protocols.

However, standardised communications terminology, protocols and procedures are already in place in New South Wales through the Network Rules (RailCorp and ARTC Network Rules). A Regulation has been mandated (Part 5 of the *Rail Safety (General) Regulation 2008*) that requires rail infrastructure owners in NSW to consult prior to any amendment to the Network Rules. This ensures any changes to the Network Rules – including communications terminology, protocols and procedures – apply consistently throughout NSW.

To ensure compliance with these rules, ITSRR targets this issue in its audit and inspection program.

On this basis Recommendation 43 has been closed as an “acceptable alternative response.”

Further progress was made with implementing three other recommendations:

- ITSRR submitted a paper to the Rail Safety Regulation and Policy Group (RSPRG), the national body responsible for rail safety policy issues, indicating that NSW would proceed to implement the use of data loggers by way of regulation in NSW (Recommendations 36 and 37). In response, the RSPRG expressed support for these recommendations being addressed nationally by the National Transport Commission (NTC), rather than unilaterally by NSW.

ITSRR has since met with the NTC to discuss the RSPRG's view. As a result the NTC has revised its earlier decision and agreed to incorporate the development of national regulations for data loggers into its maintenance and reform program. The new interim target date for these recommendations is now 28 February 2010 (Recommendations 36 and 37).

- RailCorp advised an evaluation of tenders for the procurement of its digital train radio system (GSM-R) identified the need to reassess the operational and technical risks associated with the development and roll-out of the new system. As a result, RailCorp reissued the Request for Tender with appropriate amendments in July 2009 and is in the final stages of the evaluation.

RailCorp expects to award a contract by the end of December 2009 with the full implementation of the new digital train radio system by 31 December 2012 (Recommendation 38).

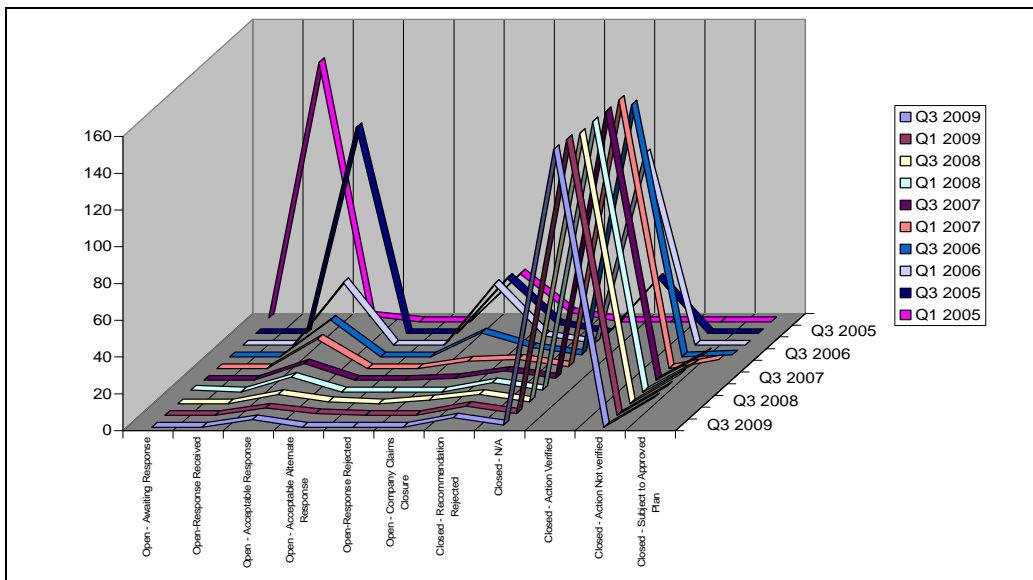
At the end of the reporting period, the cumulative implementation progress to date for all 177 recommendations (including 127 recommendations and 50 sub-elements) was as follows:

- 173 (98%) recommendations verified and closed

- 1 recommendation open acceptable response has an interim target date (Recommendation 32)
- 2 recommendations referred to the NTC have new interim target dates (Recommendations 36 & 37)
- 1 recommendation open acceptable response (Recommendation 38).

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

There were no slippages during the reporting period.

## **METHODOLOGY**

This section briefly outlines the processes 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. Full details of these methods can be found in Appendix 2.

### **Implementation Plan**

ITSRR reviewed the SCOI Final Report and determined the actions required to implement each recommendation (in line with the Government's response) and which company or agency has responsibility for that action. These expectations 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.

Responsible agencies assigned indicative timeframes for each safety action and ITSRR reviewed the appropriateness of them to ensure the timeframes were feasible and that processes were in place to adequately monitor progress as well as to give sufficient notice and justification to ITSRR for any changes to the implementation plan. Timeframes agreed with responsible companies or agencies have, to the greatest extent possible, been made realistic and achievable. Details of the Implementation Plan for outstanding recommendations and progress against the plan may be found in Appendix 3.

### **Classification System for Recommendations**

In order to provide a graduated view of progress against the Implementation Plan, ITSRR 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. Appendix 1 includes tables and graphs of the current implementation status of recommendations.

## **Slippage**

In reporting slippage against the agreed timeframes in the Implementation Plan, ITSRR uses the following guide:

- If a claim for closure was expected by the conclusion of the reporting quarter but was not received then it is recorded as slippage;
- If a claim for closure is submitted to ITSRR by the end of the reporting quarter but the target date was earlier in the quarter, it will not be recorded as slippage; and
- If a revised target date for implementation was received from an agency but action will be completed within the original reporting quarter then it is not recorded as slippage. However in the event that the revised target date is not met, ITSRR will record the event as a slippage.