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Your Ref:

27 October 2023

Mr Patrick O'Donnell
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Dear Mr O'Donnell

VARIATION TO ENFORCEABLE VOLUNTARY UNDERTAKING

I refer to your correspondence dated 24 October 2023 seeking a variation to the Enforceable Voluntary Undertaking (EVU) that was accepted by the Regulator under section 252(1) of the RNSL on 8th May 2023.

In accordance with section 256 (1) of the RNSL, the EVU may be varied with the agreement of the Regulator and the variation *must* be published on the Register.

The Regulator agrees to vary the EVU as detailed below:

Commitment 3 – Rail Industry Conference

Vary the timeframe for the Rail Industry Conference to be held within 36 months of the date of the EVU rather than 24 months.

The variations are as per below:

- > Section 9.4(b)(iv) deleted and replaced with: "(iv) be held within 36 months of this EVU; and"
- > The reference to "24 months" in item no 3 of the Summary of Commitment Schedule is deleted and replaced with "36 months".

Commitment 5 – Emerging Technology Trial

Vary Section 9.6(a), Commitment 5 – Emerging Technology Trial to enable the trial of Emerging Technology that works as a driver advisory system to prevent a safety incident from occurring and/or lower the consequence of an event through proactive alerts and warnings.

The variations are as per below:

- > Section 9.6(a) is deleted and replaced with "(a) Pacific National will conduct a trial of a driver advisory system to support the driver in remaining vigilant and alert through the early detection of signals and obstructions to assist in the prevention of safety incidents such as proceed authority exceedance (PAE) and collision events, for which driver fatigue and distraction is a contributing factor. Where a simulated exercise is conducted in the first instance, if proven successful, Pacific

National will undertake a further trial in a locomotive with a driver(s) to determine if reasonably practicable.”

- > The Description in row 5 of the Summary of Commitment Schedule is deleted and replaced with “*Trial of a driver advisory system to support the driver in remaining vigilant and alert through the early detection of signals and obstructions.*”

The Regulator acknowledges that the variations align to the overall intention of the EVU and that the variation to the Rail Industry Conference will enable increased safety sharing with industry, and that the variation re the Emerging Technology Trial will assist the driver in remaining vigilant and alert through the active monitoring of conditions and alerting the driver proactively to track conditions.

Compliance with the EVU

In accordance with section 254 of the RSNL, it is an offence for you to contravene the EVU that is now in effect.

Publication

The variation to the EVU will be published on the National Rail Safety Register.

Yours sincerely



Peter Doggett
A/National Rail Safety Regulator