

ONRSR Ref: ONRSR-1032527577-154
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30 June 2022

Mr Murray Cook
Chief Executive Officer
Arc Infrastructure Pty Ltd
GPO Box S1411
PERTH WA 6845
E: Murray.Cook@arcinfra.com

Dear Mr Cook,

Notice of Decision- Enforceable Voluntary Undertaking Dated 22 June 2022 (Incident at Jumperkine, Avon Valley, Western Australia on 24 December 2019).

I refer to the proposed written undertaken (**the Undertaking**) offered by Arc Infrastructure Pty Ltd (Arc) to the National Rail safety Regulator (**Regulator**), provided by email on 23 June 2022 for acceptance pursuant to section 251 of the Rail Safety National Law (**RSNL**).

This Undertaking is offered in relation to proceedings commenced by the Regulator in the Magistrates Court of Western Australia in relation to a fatal train collision at Jumperkine, Avon Valley, Western Australia on 24 December 2019. I note the acceptance of the Undertaking does not constitute an admission of guilt by Arc in respect of the contraventions alleged as part of those proceedings.

In accordance with section 252(1) I hereby give written notice that I have made the decision to **accept** the Undertaking.

Reasons for the Decision

- (1) A demonstrated willingness of Arc Infrastructure to participate in the investigation;
- (2) Acknowledgement of the seriousness of the incident at Jumperkine on 24 December 2019;
- (3) Arc Infrastructure's commitment to making safety improvements;
- (4) The undertakings as outlined in the Enforceable Voluntary Undertaking provided to me by Arc Infrastructure dated 22 June 2022; and
- (5) That these combined are likely to have a greater impact in improving safety than a prosecution at this stage.

Compliance with the Undertaking

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

If the Regulator considers that you have contravened the Undertaking, the Regulator may apply to the Court of enforcement of that Undertaking. The Court, in accordance with section 255(2) of the RSNL, may make a variety of orders in relation to that contravention, and it is an offence not to comply with any order made under that section.

Withdrawal or Variation of an Undertaking

In accordance with section 256 of the RSNL, you may, at any time, with the written agreement of the Regulator, withdraw the Undertaking, or vary the Undertaking.

Proceedings

In accordance with section 257(4) of the RSNL, the Regulator will take all reasonable steps to have the proceedings discontinued as soon as possible.

Governance and Publication

We will be in contact with you shortly to further discuss and agree the specific arrangements regarding the governance, compliance and oversight of the obligations set out in the Undertaking.

This notice of decision, and your Undertaking will be published on the National Rail Safety Register (excluding any commercially sensitive matters as may be agreed).

Please contact me on (08) 8406 1510 or email sue.mccarrey@onrsr.com.au if you have any questions in relation to this notice of decision. This decision is not reviewable in accordance with section 215 of the RSNL.

Yours Sincerely



Sue McCarrey
National Rail Safety Regulator