IMPLEMENTATION OF THE NSW GOVERNMENT'S RESPONSE

to the Final Report of the Special Commission of Inquiry into the Waterfall Accident

Reporting Period: **July – September 2006**

ITSRR Quarterly Report Seven

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Reporting Period:
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31 October 2006

The Hon John Watkins MP
Deputy Premier and Minister for Transport
Level 30, Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

Dear Minister

I am pleased to provide the seventh Quarterly Report on the implementation of the Government's response to the recommendations contained within the Final Report of the Special Commission of Inquiry (SCOI) into the Waterfall Accident.

As with previous Reports, this Report is provided one month after the completion of the quarter and reflects implementation progress from 1 July 2006 to 30 September 2006. The next report will reflect the progress made in the quarter 1 October 2006 to 31 December 2006.

Yours sincerely

Carolyn Walsh
Chief Executive

TABLE OF CONTENTS

GRAPHS

TABLES

ABBREVIATIONS

ALARP	As Low As Reasonably Practicable
ARA	Australasian Railway Association
ATP	Automatic Train Protection
ARTC	Australian Rail Track Corporation
CMC	Code Management Company
CRM	Crew Resource Management
D&A	Drug and Alcohol
ESA	Emergency Service Agencies
ITSRR	Independent Transport Safety and Reliability Regulator
MoU	Memorandum of Understanding
NROD	National Rail Occurrence Database
NRSAP	National Rail Safety Accreditation Package (also known as NAP or National Accreditation Package)
NTC	National Transport Commission
OH&S	Occupational Health and Safety
OTSI	Office of Transport Safety Investigation
PN	Pacific National Pty Ltd
RIC	Rail Infrastructure Corporation
RC	RailCorp
RMC	Rail Management Centre
RLAP	Rail Legislation Advisory Panel
RSRP	Rail Safety Regulators Panel
RSW	Rail Safety Workers
SCOI	Special Commission of Inquiry
SMS	Safety Management Systems
SMSEP	Safety Management Systems Expert Panel
TACE	Transport Agencies Chief Executives

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 seventh Quarterly Report. It outlines progress made between 1 July 2006 and 30 September 2006.

Implementation Summary

Further progress was made during the quarter with 13 recommendations nominated for closure by agencies and a further 12 verified and closed by ITSRR:

- ITSRR validated and closed out 12 (7%) recommendations (10 RailCorp, 1 RailCorp and NSW Emergency Services and 1 ITSRR) in the following areas:
  - Development of an integrated safety management system for RailCorp;
  - Completion of a task analysis and training needs analysis for RailCorp employees;
  - Development and implementation of an Emergency Response Plan for the management of rail incidents;
  - Provision of access keys and maps identifying all access gates to Railcorp's tracks to emergency services; and
  - Implementation of new mandatory Safety Management Systems Guidelines requiring accredited operators to implement and maintain a compliant SMS.

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:

- 144 (81%) recommendations verified and closed[1];
- A further 13 recommendations (7%) were claimed for closure by agencies and are currently being verified by ITSRR;
- 2 (1%) more recommendations are due for completion by the end of 2006 calendar year;
- 1 (1%) recommendation (the introduction of national communications technical standards) will be implemented by 2010; and
- 17 (10%) recommendations referred to the National Transport Commission (NTC) have revised implementation timeframes based on advice from the NTC.

This brings the total number of recommendations currently closed or claimed by agencies to be closed (and being verified by ITSRR) to 157 or 89% of all recommendations.

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

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.

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

Quarterly Progress

Recommendations Verified and Closed

In the reporting period, ITSRR verified and closed 12 recommendations and sub-elements. Ten of these were the responsibility of RailCorp. They included:

- Submission of a detailed program to enable the location of all trains 95% of the RailCorp network to be detected by the end of 2009 (Recommendation 4);

- Development of an Emergency Response Plan (Incident Management Framework) for the management of rail accidents and a co-ordinated response by both RailCorp and emergency services (Recommendations 10 & 18);

- Completion of a task analysis and training needs analysis for RailCorp employees (Recommendation 69);

- Implementation of an integrated Safety Management System (SMS), including systems for risk assessment and clearly defined safety responsibilities and accountabilities for managerial positions and specific performance criteria (Recommendation 105); and

- Establishment of an integrated SMS encompassing safety accountabilities and responsibilities for each managerial position, senior management and criteria for recruitment and promotion of management staff. Additionally key performance indicators for safety performance of management staff (Recommendation 122 (a), (b), (e), (f) part (viii)).

One recommendation closed out was the responsibility of ITSRR:

- Implementation of new mandatory Safety Management Systems Guidelines requiring accredited operators to implement and maintain a compliant SMS (Recommendation 121).
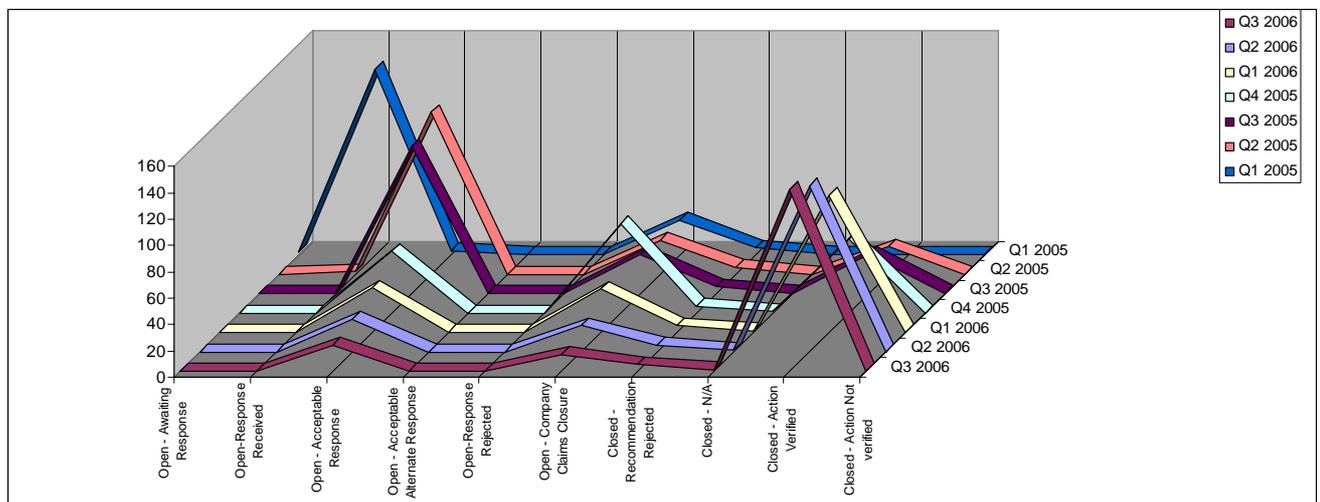
The other recommendation closed out during the quarter was the responsibility of RailCorp and NSW Emergency Services:

- Agreement between the NSW State Emergency Management Committee (SEMC) and RailCorp to ensure access maps are available to all staff at RailCorp stations showing road and gate access as well as boundary gate keys being held by all train crew and at RailCorp stations (Recommendation 9).

Recommendations Claimed for Closure (and being verified)

During the reporting period, a further 4 recommendations were claimed for closure by RailCorp. These included:

- Detailed analysis of options for improved Automatic Train Protection (ATP) systems for the NSW network (Recommendation 32);

- Identification of an appropriate supervisory position within RailCorp to certify that train defects have been rectified and that procedures to support such processes have been implemented (Recommendation 50);

- Creation of an appropriate position within RailCorp which has the responsibility for ensuring each train driver's training needs are being met and any safety concerns of drivers are being properly addressed (Recommendation 71); and

- Development of recertification plans by RailCorp to ensure the safety competency levels of Managers are of an adequate standard (Recommendation 107).

Slippage

During the reporting period all scheduled timeframes were met.

METHODOLOGY

This section briefly outlines the processes which 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 may be found in Appendix 2.

Implementation Plan

ITSRR has 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 have assigned indicative timeframes for each safety action and ITSRR has reviewed the appropriateness of them to ensure the timeframes are feasible and that processes are 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 and progress against it may be found in Appendix 3.

Classification System for Recommendations

In order to provide a graduated view of progress against the Implementation Plan, ITSRR has 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.
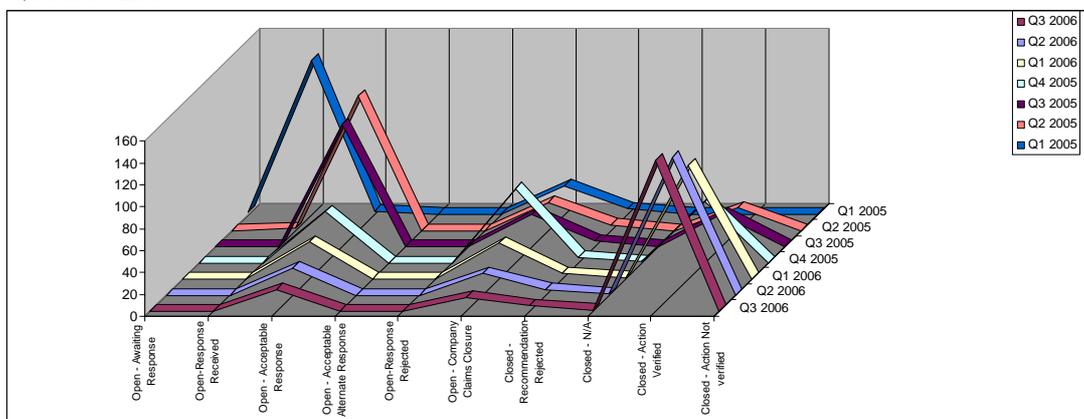
SUMMARY OF PROGRESS

The SCOI was given the task of identifying the causes of the Waterfall accident and ways of preventing such accidents in the future. The Commission was also asked to examine what might lead to overall improvements in the safety management of rail operations in NSW. The SCOI Final Report grouped recommendations under 19 safety themes. These relate to both the causes of the accident and to suggested improvements in the overall management of safety on the NSW rail network.

In this Report, implementation progress is summarised against these 19 safety themes. It outlines progress in the reporting quarter, any slippage against agreed timeframes and any action taken by the responsible agency and/or ITSRR to address slippage. Recommendation's closed out in earlier quarters are not covered in detail in this report. Previous quarterly reports are available on ITSRR's website www.transportregulator.nsw.gov.au This approach provides the necessary transparency to ensure appropriate public scrutiny of progress made in implementing the Government's response to the SCOI Final Report.

The graph below illustrates the status of recommendations as at 30 September 2006. As time progresses it is expected that the peak will shift along the x-axis until all recommendations are closed.

GRAPH 1: PROGRESSIVE STATUS OF ALL RECOMMENDATIONS BY QUARTER

Emergency Response
SCOI Final Report Recommendations 1-28

These recommendations relate to the Commission's findings that emergency response procedures to the Waterfall Rail Accident were inadequate. They are intended to ensure that (in the event of a future rail accident) RailCorp has effective procedures in place that will enable it to locate the accident site, secure and isolate it, ensure safety at the site and facilitate access of emergency services. The recommendations also aim to ensure that any such emergency response is coordinated between relevant parties and is timely. These recommendations require the provision of supporting emergency procedures and appropriate training in those procedures. The recommendations that have been verified and closed in previous quarters include recommendations 2, 3, 6-8, 11-14, 16, 17, 19 and 21-28.

In the reporting period the following recommendations were closed and verified:

- RailCorp has developed a program to enable it to identify the location of 100% of trains on its network. Presently coverage provides for identification on 74% of the network. This will increase to 83% by mid 2008 and to 95% by the end of 2008. Mechanisms for achieving the final 5% coverage over the Kiama – Bomaderry section will be subject to further investigation.

  This recommendation has been closed subject to implementation of the approved program. ITSRR will monitor the implementation of the program through its on-going audit and compliance activities of RailCorp (Recommendation 4).

- RailCorp has agreed with the NSW State Emergency Management Committee (SEMC) to make access maps available which show road and gate access at all staffed RailCorp stations. In addition, boundary gate

keys will be held by all train crew and at RailCorp stations so they are accessible by emergency services personnel. Inspections conducted by ITSRR confirmed that these arrangements are in place and the recommendation has been closed (Recommendation 9); and

- RailCorp have developed and implemented a comprehensive Incident Management Framework (IMF) and supporting Group and Local level plans to ensure effective management and a co-ordinated response by RailCorp and NSW Emergency Services to accidents and incidents on its network. This framework also includes procedures for specific personnel so that they know *how* to respond to an incident or emergency. (Recommendations 10 & 18).

The following progress was made in verifying closure of further recommendation's during the quarter:

- ITSRR continued verification of Recommendation 1. The intent of this recommendation is to ensure that staff working in the Rail Management Centre (RMC) have been trained to enable them to quickly and accurately assess an emergency in order to obtain accurate and reliable information which can be conveyed to emergency response personnel to facilitate a timely and effective response.

  RailCorp has provided ITSRR with details of the training course conducted for RMC staff. ITSRR met with RailCorp to discuss this material and has visited the RMC to assess effectiveness of the training program. In the next quarter, ITSRR will continue to review this training material to ensure staff are adequately trained to respond to any incident or emergency situation (Recommendation 1).

- ITSRR has commenced verification of Recommendation 20. This recommendation requires all Railcorp's operational rail staff to be trained in

the emergency action checklist relevant to their position.   During the quarter, RailCorp submitted its training courses for emergency action checklists to ITSRR for review. ITSRR has met with RailCorp several times and will continue to review and verify these training programs into the next quarter (Recommendation 20).

Design and Procurement of Rollingstock
SCOI Final Report Recommendations 29 & 30

The Commission recommended that all railway operators should have a quality assurance program in place for the design and construction of rollingstock and that the rail safety regulator should set standards for the design, manufacture, testing and commissioning of rollingstock to ensure that it is fit for purpose.

During the quarter the NTC advised that it proposes to seek the advice of the Rail Safety Package Steering Committee (RSPSC) as to whether model regulations should be developed for technical detail, such as the design and procurement of rolling stock, and the level at which those regulations should be pitched. The RSPSC has been established to provide policy advice to the NTC on the development of the current rail safety reform package. It is envisaged that the RSPSC will provide this advice to the NTC by April 2007 to allow a decision to be made as to whether to develop model regulations (Recommendation 30).

Driver Safety Systems
SCOI Final Report Recommendations 31-33

These recommendations are intended to minimise the risk of an accident in the event of train driver incapacitation by requiring the fitting of two independent engineering defences to all trains. In the longer term SCOI recommended the introduction of Automatic Train Protection (ATP). The Government supports this in principle; however, its application on an industry-wide basis needs to be determined. ATP systems are more advanced technologies which can automatically override a driver if a train is behaving in an unauthorised way in relation to network constraints.

During the reporting period, RailCorp claimed closure of Recommendation 32. This recommendation requires a detailed analysis of options for improved Automatic Train Protection (ATP) systems for the NSW network. In the next quarter ITSRR will commence verification of this recommendation.

The NTC has advised that the requirement for all new rolling stock to be designed to be compatible with at least level 2 ATP is not considered to be appropriate in all circumstances. For instance, the application of such systems is not warranted in vertically integrated, isolated network, tourist and heritage railways. Also, in other operational contexts, the financial and economic case for and against establishing a level 2 system of ATP would need to be evaluated. For these reasons, the NTC does not intend to introduce regulations establishing this requirement across the board.

However, the Australasian Railway Association (ARA) is developing national rolling stock standards through the Rail Industry Safety Standards Board (RISSB), which will include standards for ATP. The RISSB has undertaken to consider the Waterfall recommendations in the development of the rolling stock standards. The RISSB will be consulting ITSRR during the development of these standards (Recommendation 33).

Risk Assessment and Risk Control Procedures
SCOI Final Report Recommendations 34

Recommendation 34 and its sub-elements seek to make the rail network safer by ensuring that RailCorp has in place processes to systematically identify and assess risks on the network and put appropriate control measures in place to reduce or eliminate circumstances which might result in an accident. This recommendation and its sub-elements, have been verified and closed in previous quarters.

Data Loggers
SCOI Final Report Recommendations 36 and 37

Effective use of data loggers can provide investigators with information to help them in the conduct of any accident or incident investigation to understand the causes of accidents or incidents on the rail network. Data loggers can also assist rail operators monitor driver performance and train operations. Data loggers record information on a train's operations; including, for example, speed during a journey.

It was previously reported that the National Transport Commission agreed to develop a national regulation for data loggers subject to the outcome of an impact assessment. The NTC advises that the impact assessment will now be conducted by the end of December 2006.

Communications
SCOI Final Report Recommendations 38- 46

These recommendations address two important issues. First, that standardised communications protocols should be in use on the NSW rail network so that rail employees use clear and well understood language when communicating with each other. This is particularly important in emergency situations. Second, the compatibility and inter-operability of communications equipment (radios for example), so that in an emergency drivers, signalers, train controllers and other relevant personnel (with different types of communications equipment) are able to talk to each other. Recommendations 40 – 46 have been closed.

It was reported last quarter that the National Transport Commission agreed to develop a national regulation for communication systems/protocols subject to the outcome of an impact assessment. The NTC advises that the impact assessment will now be conducted by the end of December 2006.

Train Maintenance
SCOI Final Report Recommendations 47-53

The purpose of these recommendations is to ensure there are minimum standards and inspections in place for RailCorp trains entering service and adequate maintenance plans and systems in place to record and rectify train defects, as well as certification of work by an appropriately qualified individual. Recommendations 47-49 and 51 have been closed in previous quarters.

During the reporting period RailCorp claimed closure for Recommendation 50. This recommendation requires RailCorp to identify an appropriate supervisory position responsible for certifying that train defects are rectified and to implement procedures to support this role (Recommendation 50). In the next quarter ITSRR will commence verification of this claim for closure.

ITSRR continued verification of Recommendation 53 which is aimed at ensuring trains are inspected at the time of stabling prior to entering into service. ITSRR reviewed documentation provided by RailCorp and as a result requested further information from RailCorp pertaining to the rationale for setting limits for rectification of defects, how RailCorp verifies these new processes are functioning and how it ensures staff understanding (Recommendation 53).

Alcohol and Drug Testing
SCOI Final Report Recommendations 54-56

These recommendations are intended to ensure random drug and alcohol (D&A) testing continue and that testing is made mandatory following an incident. The *Rail Safety Act 2002* and supporting D&A testing regulations and guidelines require accredited operators to have a D&A program in place. They also enable operators to conduct post-incident D&A testing, but do not explicitly require post-incident testing. These recommendations have been verified and closed in previous quarters.

Periodic Medical Examinations
SCOI Final Report Recommendations 57(a)-(j)

This recommendation is directed at minimising the risk of incapacitation of a train driver through more stringent standards for periodic medical examinations for railway safety critical workers. The majority of safety actions required for this recommendation have been implemented, verified and closed through the adoption of the National Standard for Health Assessment of Rail Safety Workers. Sub-elements (a) – (c) and (e) – (j) of this recommendation have been closed.

It was reported last quarter that the NTC's Medical Review Panel did not accept the Commission's recommendation that all medical examinations be reviewed by an occupational physician. Instead the Panel supported the adoption of quality control measures suitable for the size and nature of a rail organisation. Consequently the NTC has agreed to commence work on options for quality control measures during the 2006/07 financial year starting with an impact assessment. A revised date of 30 June 2007 has been set to coincide with release of the impact assessment report (Recommendation 57(d)).

Safety Document Control
SCOI Final Report Recommendations 58-64

Effective document control, particularly document control of safety information, is a critical element of a rail operator's safety management system. Employers and employees must be confident that the safety information they are operating under is current and accurate. Recommendations 60 and 62-64 have been closed.

The nature and scope of these recommendations has required a comprehensive range of verification activities including field and desktop reviews conducted by ITSRR during the quarter. ITSRR is currently discussing progression of these recommendations with RailCorp (Recommendations 58, 59 & 61).

Train Driver and Guard Training
SCOI Final Report Recommendations 65 - 71

It is important that train drivers and train guards are adequately trained in the performance of their duties. This issue was also raised by the SCOI into the Glenbrook accident. Of particular interest for training is the appropriate use of simulators, encouragement of teamwork, and the development of training based on a needs analysis. Recommendations 65-68 have been closed in previous quarters.

During the reporting period ITSRR verified and closed Recommendation 69. Field activities confirmed that RailCorp has completed a task and training needs analysis encompassing competency logbooks, driver and guard training syllabuses and simulator refresher training for drivers in degraded environments (Recommendation 69).

Next quarter, verification of Recommendation 71 will commence. This recommendation concerns the creation of an appropriate position within RailCorp that has responsibility for ensuring each train driver's training needs are being met and that any safety concerns are being properly addressed.

Rail Accident Investigation
SCOI Final Report Recommendations 72 - 82

The SCOI Final Report promulgated "just culture" investigations (ie, those aimed at determining all the factors contributing to an accident, including systemic factors rather than attempting to allocate blame or liability), as more likely to contribute to improved safety outcomes in the longer term. Recommendations 72 -74 and 82 concern the powers of, and relationship between, the NSW Office of Transport Safety Investigations (OTSI) and the Australian Transport Safety Bureau (ATSB). All of these recommendations have been verified and closed.

Safety Culture
SCOI Final Report Recommendations 83 - 84

It is accepted safety practice that a positive safety culture works in tandem with a safety management system to deliver safe operations. The safety culture recommendations require a plan from RailCorp and a subsequent review by ITSRR. All of these recommendations have been verified and closed.

Occupational Health and Safety
SCOI Final Report Recommendations 85- 87

Recommendations 85-87 articulated the SCOI's concern that RailCorp's approach to safety management was overly focused on occupational health and safety (OHS). By this it meant that RailCorp primarily sought to implement risk control measures for risks of relatively low consequence, but high frequency, to the detriment of more significant risks of relatively high consequence, but low frequency. The SCOI recommended integration of OHS management into RailCorp's overall safety management system, so that broader public safety concerns, such as derailments or collisions, would receive greater attention. All of these recommendations have been verified and closed in previous quarters.

Passenger Safety
SCOI Final Report Recommendations 88-101

These recommendations address emergency egress and access (ie, ways in which passengers can escape from trains in an emergency and the way emergency services and other rescuers can get into trains), emergency evacuation procedures and associated training and standards, as well as the adequacy of penalties for misuse of emergency and other safety related equipment. Recommendations 80-87 and 97 have been closed.

During the quarter the Government announced RailCorp will replace its current containment policy in accordance with SCOI recommendation 88 and that 700 new train carriages will be fitted with door release mechanisms before they

enter into service. The Government also announced it will retrofit 1200 train cars with internal door release mechanisms over the next five years. In the next quarter, ITSRR will continue to verify the implementation of this recommendation.

The National Transport Commission has agreed to undertake impact assessments to ascertain if process regulations should be developed in relation to recommendations 88-100 dealing with passenger safety. The NTC advises that the impact assessments will be conducted by the end of December 2006.

Corporate Governance
SCOI Final Report Recommendations 102- 109

These recommendations introduce requirements for formal qualifications in system safety management for managers who report to the CEO of RailCorp. They also require development of safety accountability statements and reporting lines for all management positions and the introduction of independent external and internal audit processes to be managed by the RailCorp Board. Recommendations 102, 104, 106, 108 and109 have been previously closed.

During the quarter:

- ITSRR verified and closed Recommendation 105. Field activities confirmed that RailCorp has processes in place to ensure that its Board is provided with evidence that demonstrates RailCorp has an adequate and integrated SMS, including systems for risk assessment, clearly defined safety responsibilities and accountabilities for managerial positions and specific performance criteria (Recommendation 105).

- RailCorp made progress in relation to Recommendation 103 which requires the establishment of clear safety accountability statements and reporting lines for all management positions. RailCorp has developed a new system of accountability and performance management. ITSRR is

reviewing whether the new arrangements satisfy the requirements of this recommendation (Recommendation 103).

- RailCorp claimed closure for Recommendation 107. This recommendation relates to the development of recertification plans to ensure the safety competency levels of Managers are of an adequate standard. ITSRR will commence verification of this recommendation in the next quarter.

Safety Reform
SCOI Final Report Recommendation 110(a)-(e)

This recommendation sought to create a position of Safety Reform Program Director to manage the safety reform program being undertaken by RailCorp and detailed various aspects of the duties that should be undertaken by this position. All of these recommendations have been verified and closed in previous quarters.

Safety Regulation
SCOI Final Report Recommendations 111-120

These recommendations addressed the role of ITSRR in relation to safety regulation, the governance of ITSRR and the need for more explicit guidelines from ITSRR. All of these recommendations have been verified and closed in previous quarters.

Integrated Safety Management
SCOI Final Report Recommendations 121- 124

These recommendations advocated that a regulation be promulgated specifying the requirements of a safety management system (SMS) (Recommendation 121) and the steps RailCorp needs to take to ensure that its SMS is integrated (Recommendation 122 – 124). Recommendations 122 (a) – (f) and 123 have been closed in previous quarters.

In the reporting period the following recommendations were closed and verified:

- ITSRR implemented a new mandatory Safety Management Systems (SMS) Guideline which sets out the requirements of an accredited operator's SMS. The Guidelines came into effect on 1 July 2006 for commercial operators and will commence on 1 January 2007 for tourist and heritage operators. This Guideline is based on the National Accreditation Package (NAP) (Recommendation 121).

- An integrated safety management system involving the development of risk management procedures was implemented by RailCorp including:
  - performance management systems, incorporating measurable safety accountabilities and responsibilities for each managerial position;
  - safety accountability and responsibility statements for senior management;
  - safety accountability and responsibility statements for senior management;
  - systems for recruitment and promotion of management staff, including safety management qualifications, experience and expertise; and
  - development of key performance indicators for safety performance for RailCorp management.
  (Recommendation 122 (a), (b), (e) and (f) part (viii).

Summary

The implementation of the NSW Government's response to the Special Commission of Inquiry (SCOI) into the Waterfall Accident has been considerably progressed since the release of the Report in January 2005. 144 (81%) recommendations have now been closed together with 13 (7%) recommendations claimed for closure this quarter.

Rail Safety in NSW requires a comprehensive approach to achieve fundamental and long lasting change to reduce the likelihood of accidents like

the one at Waterfall from occurring again in the future. In light of this, ITSRR will continue to report on progress towards full implementation of the NSW Government's response to the SCOI into the Waterfall Accident. Once recommendations have been closed, ITSRR will continue to monitor implementation through its audit and inspection program.

APPENDIX 1 – TABLES AND GRAPHS

This table lists the recommendations for which each agency is responsible:

TABLE 1: RECOMMENDATIONS BY RESPONSIBLE AGENCY

RESPONSIBLE AGENCY	RECOMMENDATIONS FROM SCOI FINAL REPORT	NUMBER OF RECOMMENDATIONS INCLUDING SUB-ELEMENTS
RailCorp	1-8, 10-14, 16-20, 22, 25-27, 32, 34(a) – (h), 40, 47-53, 56, 58-62, 65-71, 83(a)-(n), 85-88, 96, 102-110(a)-(e), 122(a)-(f(i-xii)), 123,	103
Emergency Services Agencies	15, 97	2
Emergency Services Agencies & RailCorp	9, 21, 23, 24, 28	5
ITSRR	29, 30, 31, 33, 36-39, 41-46, 54-55, 57(a)-(i), 63-64, 75-80, 84, 89-95, 98-101, 113-117, 119-121, 124-125(a)-(b), 126	57
OTSI	72, 73, 74, 81, 82	5
Not assigned	35, 111, 112, 118, 127	5
TOTAL	127	177
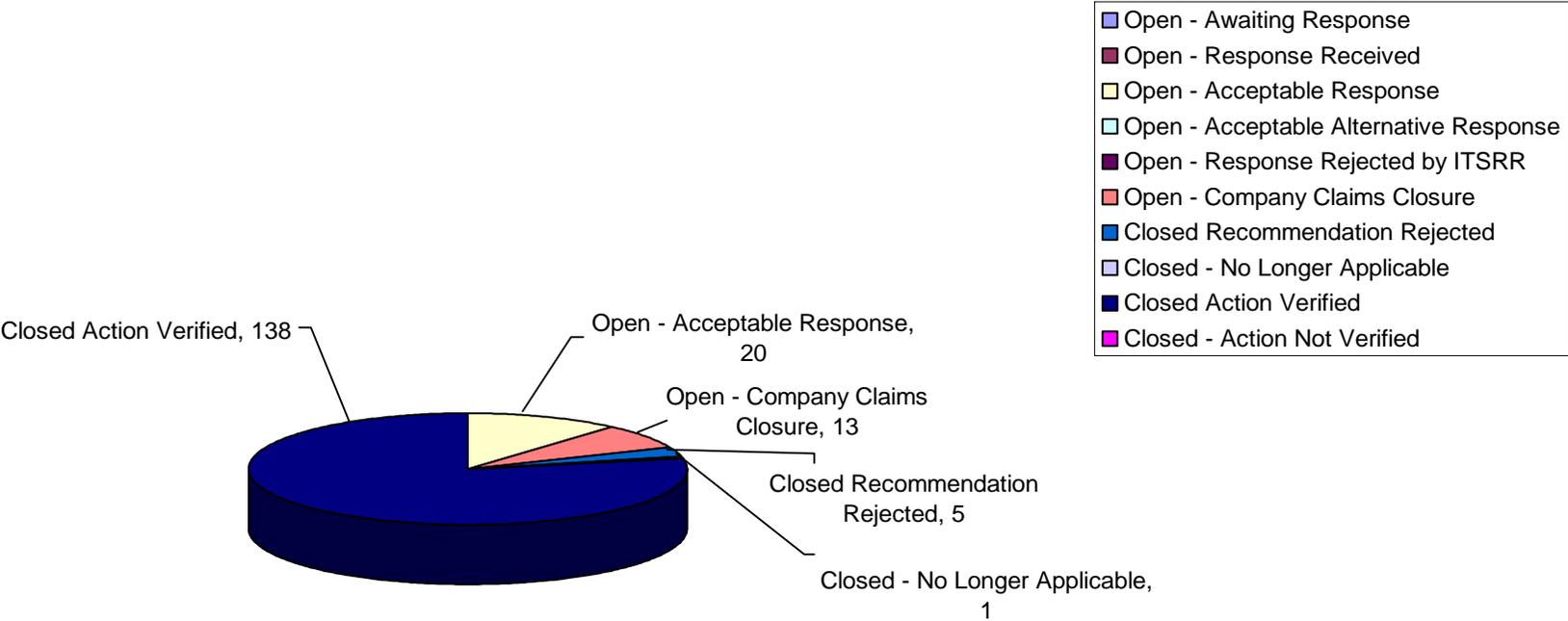
At the end of the third quarter 2006, the status of the 177 Recommendations including sub-elements of the SCOI Final Report is detailed in the following table:

TABLE 2: STATUS OF RECOMMENDATIONS INCLUDING SUB-ELEMENTS AS AT 30 SEPTEMBER 2006

Operator	Open - Awaiting Response	Open- Response Received	Open - Acceptable Response	Open - Acceptable Alternate Response	Open- Response Rejected	Open - Company Claims Closure	Closed - Recommendation Rejected	Closed - N/A	Closed - Action Verified	Closed - Action Not verified	Total
Not Assigned							5				5
RailCorp			2			13			88		103
Independent Transport Safety & Reliability Regulator			18						39		57
Office of Transport Safety Investigation			0					1	4		5
NSW Emergency Services			0						2		2
RailCorp/ NSW Emergency Services			0			0			5		5
TOTAL	0	0	20	0	0	13	5	1	138	0	177

The graph below illustrates the recommendations according to their respective status.

GRAPH 2: CURRENT STATUS OF AGGREGATE RECOMMENDATIONS INCLUDING SUB-ELEMENTS AS AT 30 SEPTEMBER 2006.

Legend:
- Open - Awaiting Response
- Open - Response Received
- Open - Acceptable Response
- Open - Acceptable Alternative Response
- Open - Response Rejected by ITSRR
- Open - Company Claims Closure
- Closed Recommendation Rejected
- Closed - No Longer Applicable
- Closed Action Verified
- Closed - Action Not Verified

Closed Action Verified, 138
Open - Acceptable Response, 20
Open - Company Claims Closure, 13
Closed Recommendation Rejected, 5
Closed - No Longer Applicable, 1

In the SCOI Final Report recommendations were listed against specific themes or topics relating to the causal factors associated with the Waterfall Rail Accident. The following table presents the status of recommendations by these themes:

TABLE 3: STATUS OF RECOMMENDATIONS BY THEME AS AT 30 SEPTEMBER 2006

Theme	Open - Awaiting Response	Open - Response Received	Open - Acceptable Response	Open - Acceptable Alternative Response	Open - Response Rejected by ITSRR	Open - Company Claims Closure	Closed Recommendation Rejected	Closed - No Longer Applicable	Closed Action Verified	Closed - Action Not Verified	Total
Emergency response 1-28	0	0	0	0	0	3	0	0	25	0	28
Procurement & design of rolling stock 29-30	0	0	1	0	0	0	0	0	1	0	2
Driver safety systems 31-33	0	0	1	0	0	1	0	0	1	0	3
Risk assessment and control procedures 34-35	0	0	0	0	0	0	1	0	8	0	9
Data loggers 36-37	0	0	2	0	0	0	0	0	0	0	2
Communications 38-46	0	0	3	0	0	0	0	0	6	0	9
Train Maintenance 47-53	0	0	1	0	0	2	0	0	4	0	7
Alcohol and Drug Testing 54-56	0	0	0	0	0	0	0	0	3	0	3
Periodic Medical Examinations 57	0	0	1	0	0	0	0	0	8	0	9
Safety Document Control 58-64	0	0	0	0	0	3	0	0	4	0	7
Train Driver and Guard Training 65-71	0	0	1	0	0	1	0	0	5	0	7
Rail Accident Investigation 72-82	0	0	0	0	0	0	0	1	10	0	11
Safety Culture 83-84	0	0	0	0	0	0	0	0	15	0	15
OH&S 85-87	0	0	0	0	0	0	0	0	3	0	3
Passenger safety 88-101	0	0	10	0	0	1	0	0	3	0	14
Corporate Governance 102-109	0	0	0	0	0	2	0	0	6	0	8
Safety Reform 110	0	0	0	0	0	0	0	0	5	0	5
Safety Regulation 111-120	0	0	0	0	0	0	3	0	7	0	10
Integrated Safety Management 121-124	0	0	0	0	0	0	0	0	21	0	21
Implementation of Recommendations 125-127	0	0	0	0	0	0	1	0	3	0	4

APPENDIX 2 – METHODOLOGY

This section outlines the processes which 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.

Implementation Plan

ITSRR has reviewed the SCOI Final Report and determined action required to implement each recommendation in line with the Government's response and which company or agency has responsibility for that action. These expectations then 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 have assigned indicative timeframes for each safety action and ITSRR will review the appropriateness of each. Timeframes agreed with responsible companies or agencies have, to the greatest extent possible, been made realistic and achievable. Details of the Implementation Plan and progress against it may be found in Appendix 3 at page 49.

Classification System for Recommendations

In order to provide a graduated view of progress against the Implementation Plan, ITSRR has 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 and is listed in Table 4 at page 34 below.

The process for assigning status to a recommendation is as follows:

Step 1   The Government's response to the SCOI Final Report determined which recommendations were accepted. ITSRR has articulated its expectations in regards to all remaining recommendations.

Step 2   All accepted recommendations are assigned the status "Open -
              Await Response". These recommendations are then referred by
              ITSRR to the relevant company or agency to prepare a response
              to the recommendation(s) and submit it to ITSRR.

Step 3   ITSRR reviews the response and determines whether it is
              acceptable or not. If it is acceptable then the status of the
              recommendation is assigned either "Open - Acceptable
              Response" or "Open - Acceptable Alternative Response". A
              recommendation would be assigned an "Open - Acceptable
              Alternative Response" status when the intent of a
              recommendation will be met but will be implemented by
              alternative means. If the response is not acceptable then the
              recommendation is assigned the status of "Open - Response
              Rejected". In this case, the company or agency is informed of
              the decision and requested to re-submit a revised response
              taking into account ITSRR's concerns. This process continues
              until the response to the recommendation is accepted by ITSRR.

Step 4   ITSRR monitors progress of all accepted responses to ensure a
              company or agency is meeting agreed implementation
              timeframes. This is done through both desktop reviews of
              reports received by agencies and in-field inspections to verify
              progress claimed.

Step 5   Once a company or agency has completed a required action it
              will submit to ITSRR a claim for closure of the recommendation.
              This application indicates that the company or agency believes it
              has completed the required action. The status of the
              recommendation is changed to "Open – Company Claims
              Closure".

Step 6   In most cases, ITSRR will verify closure through an in field
              compliance inspection or audit. Once verification has taken

place the recommendation status is changed to indicate it is "Closed - Verified".

This process will continue until all recommendations are closed.

TABLE 4: TAXONOMY FOR CLASSIFICATION SYSTEM

	STATUS	DEFINITION
1.	Open – Await Response	This status is automatically assigned to an accepted recommendation. Affected parties will be asked to submit their response for implementing the recommendation to ITSRR.
2.	Open – Response Received	ITSRR has received a response from an affected party and this response is under review by ITSRR. It has not yet been accepted by ITSRR.
3.	Open – Acceptable Response	ITSRR agrees that the planned action, when completed, meets the recommendation.
4.	Open – Acceptable Alternative Response	ITSRR agrees that alternative action, when completed, satisfies the objective of the recommendation.
5.	Open – Response Rejected by ITSRR	ITSRR does not agree that the planned or alternate action meets the recommendation. The company or agency is advised of the rejection and requested to provide a revised response.
6.	Open – Company Claims Closure	The company or agency claims that the planned or alternate action has been completed. The action has not yet been verified by ITSRR. ITSRR has not yet agreed that the item is closed.
7.	Closed – Recommendation Rejected	ITSRR has determined through further analysis and review that the recommendation is not appropriate (i.e. will not achieve the desired safety outcomes) and has rejected the recommendation. It is therefore closed.

8.	Closed – No Longer Applicable	The recommendation has been overtaken by events and action is no longer required. For example, a new technology has eliminated the reason for the recommendation, it has been superseded by other recommendations issued, or the operator affected has gone out of business.
9.	Closed – Action Verified	Completion of the planned or alternate action has been verified by ITSRR through a compliance inspection or audit.
10.	Closed – Action Not Verified	ITSRR accepts that the planned or alternate action has been completed following a review of documentation submitted. Field verification is not necessary.

RailCorp & Other Rail Operators

The SCOI Final Report primarily focused on RailCorp and actions required by it to improve safety as a consequence of the Waterfall Rail Accident. In quarterly reports therefore, ITSRR will report on recommendations specific to RailCorp. However, some recommendations from the Final Report may also be relevant to other rail operators in NSW. In light of this, ITSRR has reviewed the recommendations and identified where other rail operators may also be required to improve safety operations.

Where recommendations have applicability to the wider rail industry, ITSRR will report on progress of its own actions to ensure other operators also meet the intent of SCOI recommendations and on any general areas of concern about implementation issues across the industry. Progress on specific safety actions by other rail operators will not be reported upon in ITSRR quarterly reports.

ITSRR

ITSRR is also responsible for implementing recommendations from the SCOI Final Report. These quarterly reports will assess progress made by ITSRR on those recommendations. The same methodology as outlined above will be used to assess the implementation status of recommendations for which ITSRR is responsible. ITSRR has established an internal process between Divisions which allows for an independent assessment of whether recommendations are being implemented according to the Implementation Plan and to ensure status reports accurately reflect progress against the Plan. The Chief Executive must sign off on all completed actions before a recommendation is closed.

Other Agencies

ITSRR has held meetings with the Office of Emergency Services and the Office of Transport Safety Investigation (OTSI) to review and discuss the implementation and reporting of recommendations under their responsibility. Review of responses from these agencies will also follow the process outlined above and will be reported quarterly. ITSRR has agreed to timeframes and actions with each of these agencies.

APPENDIX 3 – IMPLEMENTATION PLAN: OUTSTANDING RECOMMENDATIONS

NB: This table lists only the recommendations which were closed in the last quarter, or remain to be implemented. Those recommendations closed in previous quarters do not appear. A complete list of all recommendations is contained in the First Report, on ITSRR's website at: http://www.transportregulator.nsw.gov.au

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
1. Staff at the Rail Management Centre (RMC) should receive training from RailCorp to enable them to quickly and accurately assess that an emergency has occurred and to provide precise and reliable information to emergency response personnel about the location of the emergency, the available access to the site and the resources necessary.	Supported and being implemented.	RailCorp to provide: a) Evidence of Development of Training Program that addresses issues identified in the SCOI. (Includes Development Process, Training Aids / Curriculum). b) Evidence of Appropriate Assessment Competency. (Delivery of course by appropriately qualified trainers.) c) Evidence of process to ensure the training of new staff and the Refresher training of existing staff. d) Review process built-in, to take into account relevance and changes.	RailCorp	Open	Agency Claims Closure	31/03/2006

*Indicates revised interim date
+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
4. The RMC should be equipped by RailCorp with a transcriber system, or mimic board, or such other system as is necessary to enable identification of the precise location at any time of any train on the RailCorp network.	Supported in principle. The RMC is equipped with a network mimic panel that currently gives train visibility on approximately 65% of the RailCorp network. Visibility of approximately 90% is targeted for 2008. RailCorp will conduct a study of other options available, including GPS technology to provide a more precise location at any time of all operators' trains on the RailCorp network.	RailCorp to provide a detailed program to explain how the trains will be located on a board, or similar, in the RMC. Recognising that this will require some Capital expenditure, it is expected that the program will be a funded program with timelines. Functionality is to include a requirement to enable trains to be readily identified, as a minimum. Compliance review (r.e. Current coverage of network, e.g. does it cover 65%.) Review existence planning / funding (r.e. 90% coverage 2008.) Existence of plans / project to review options available.	RailCorp	#Closed		

ITSRR Quarterly Report Seven   *Indicates revised interim date   Page 37 of 60
+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
5. All train guards should be trained by RailCorp in the use, of the MetroNet radio and instructed to use it in any emergency.	The training of guards in the use of MetroNet radio is supported and being implemented. The use of MetroNet radio by guards in emergencies is supported in principle and RailCorp will review the operational and technical issues the recommendation raises.	RailCorp to provide details of the training program that demonstrates that Guards are trained in the use of MetroNet and know how to use the system in an emergency. The program is to include: a) Evidence of Development of Training Program that addresses issues. (Includes Development Process, Training Aids / Curriculum.) b) Evidence of Appropriate Assessment Competency.(Delivery of course by appropriately qualified trainers.) c) Evidence of process to ensure the training of new staff and the Refresher training of existing staff. d) Review process built-in, to take into account relevance and changes. e) Ensure guard has access to communications. f) Assess Project Plan for Implementation.	RailCorp	Open	Agency Claims Closure	31/12/2006
9. All emergency services stations should be provided with access keys to, and maps showing, all gates providing access to RailCorp tracks within their geographic area of responsibility.	Supported in principle subject to discussion between RailCorp and emergency services regarding operational and security issues.	Item requires an agreement between RailCorp and Emergency Services in place on most effective means of access to information to facilitate immediate access to emergency site agreement with emergency services. RailCorp to demonstrate that details are	RailCorp and NSW Emergency Services	Closed	Alternate Acceptable Response	

ITSRR Quarterly Report Seven   *Indicates revised interim date   Page 38 of 60
+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
		included in the Incident Management Plans.				
10. A railway disaster plan, or rail displan, should be developed by RailCorp and the emergency services to ensure co-ordinated inter-agency response to rail accidents and incidents on the RailCorp network.	Supported in principle and being implemented through other means. The State Emergency Management Committee advises a specific sub plan for rail would not provide additional response capability and it would not be consistent with the all Hazards approach. Instead the Commissioner's recommendations below about a specific Railway Disaster Plan will be incorporated in the overall State Disaster Plan (Displan) and RailCorp's Incident Management Framework. This Framework addresses all level of rail incidents including 'emergencies' and will be implemented early 2005.	That a joint or jointly developed plan is produced by the Agencies. The details of the plan are top include, amongst other things: immediate response, site management and recovery processes. Also requires the development of: - Comprehensive Incident Management Plans/Procedures. - Development of Network Incident Management plan with ARTC RailCorp (Track Manager). - Training Issues to ensure that staff can implement.	RailCorp	Closed		

ITSRR Quarterly Report Seven   *Indicates revised interim date   Page 39 of 60
+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
18. RailCorp should develop and implement an emergency response plan for management of all rail accidents. Such a plan should be subsumed by the rail displan in the case of serious accidents or incidents.	Supported and being implemented through the RailCorp Incident Management Framework. The RailCorp Incident Management Framework was developed in consultation with emergency service agencies and it aligns with the State Disaster Plan	That a joint or jointly developed plan is produced by the Agencies. The details of the plan are to include, amongst other things: immediate response, site management and recovery processes. Also requires the development of: - Comprehensive Incident Management Plans/Procedures. - Development of Network Incident Management plan with RailCorp (Track Manager). - Training Issues to ensure that staff can implement.	RailCorp	Closed		
20. All operational rail staff should be trained by RailCorp in the action check list relevant to each.	Supported.	That a joint or jointly developed plan is produced by the Agencies. The details of the plan are to include, amongst other things: immediate response, site management and recovery processes. Also requires the development of: - Comprehensive Incident Management Plans/Procedures.- Development of Network Incident Management plan with RailCorp (Track Manager).- Training Issues to ensure that staff can implement.- Development / Implementation of checklists- Distribution of the checklists and alignment with the	RailCorp	Open	Agency Claims Closure	30/06/2006

+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
		staff training and emergency exercises. To ensure that training requirements met under Recommendation 3 namely, RailCorp to provide: a) Evidence of Development of Training Program that addresses issues (includes Development Process, Training Aids / Curriculum); b) Evidence of Appropriate Assessment Competency. Delivery of course by appropriately qualified trainers; c) Evidence of process to ensure the training of new staff and the Refresher training of existing staff; d) Review process built-in, to take into account relevance and changes; e) Evidence of Training of Skills assessment; f) Evidence of responsibilities in PD; g) Evidence of responsibilities reflected in plan. To ensure that staff can implement emergency procedures in respect of Recommendations: 11 (use by all emergency response personnel of a uniform incident command system); 12 (appointment of a rail emergency management co-ordinator at the RMC, and an on-site rail				

+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
		commander); 13 (Site Controller to have complete control of the site & the Rail Commander must report to this position); 14 (Incident Command System has clearly identified roles and that a joint or jointly developed plan is produced by the Agencies); 16 (rail commander should provide support and assistance to the site controller and emergency services personnel); 17 (The rail commander should have complete authority to direct and control all response personnel from rail organisations); 19 (The RailCorp emergency response plan should include action checklists of the steps that each employee is required to take, and the order for specific employees to follow in case of emergency .				

ITSRR Quarterly Report Seven   *Indicates revised interim date   Page 42 of 60
                                                +Indicates Slippage with revised date
                                    # Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
30. The rail safety regulator should set standards for the design, manufacture, testing and commissioning of rolling stock to ensure that the rolling stock is fit for its purpose.	Supported in principle and being implemented through other means. ITSRR will introduce regulations including for rolling stock that set out the expectations (or performance outcomes) required of industry. The regulations will be developed on a national basis, through the National Transport Commission process, to ensure consistent application across the Australian rail industry. Notwithstanding the expectation that industry will develop and maintain appropriate safety standards, ITSRR will retain the power to mandate such standards if the industry clearly fails to deliver satisfactory safety outcomes.	ITSRR will refer matter to NTC for development of National Regulation. In the interim, ITSRR will require operators, through the accreditation process to meet existing industry standards for rolling stock acquisition, including AS4292, rolling stock units, Train Operating Conditions and Industry technical codes.	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	*30/04/2007

ITSRR Quarterly Report Seven   *Indicates revised interim date   Page 43 of 60
+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
32. RailCorp should progressively implement, within a reasonable time, level 2 automatic train protection with the features identified in chapter 8 of this report.	Requires further detailed review. The Government supports the implementation of additional train protection systems. Implementation of level 2 ATP as detailed in the recommendation would involve the replacement of all line-side signalling on the RailCorp network with on-train control systems. In addition every intra and inter-state train accessing the network would also need to be equipped with level 2 ATP technology. RailCorp has already retained consultants to undertake evaluation and risk assessment regarding implementation of additional automatic train protection systems on the RailCorp network. RailCorp will work with the Australian Rail Track Corporation (which operates the interstate network) to develop, in conjunction with ITSRR and interstate rail regulators, a national standard for an automatic train protection system. RailCorp will also undertake a comprehensive review which will include a risk assessment,	A detailed technical review of available options. This is to be a project lead by RailCorp. The major outcome of the project is to be a business case for Government concerning ATP.	RailCorp	Open	Agency Claims Closure	30/09/2006

ITSRR Quarterly Report Seven   *Indicates revised interim date   Page 44 of 60
+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
	technical feasibility and cost benefit analysis of introducing level 1 ATP as well as level 2 ATP, as recommended by the Commission. Consistent with recommendation 34 any future options will need to be assessed by independent verification of acceptable risk.					

ITSRR Quarterly Report Seven   *Indicates revised interim date   Page 45 of 60
+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
33. All new rolling stock should be designed to be compatible with at least level 2 automatic train protection discussed in chapter 7 of this report. Risk assessment and risk control procedures.	Requires further detailed review. See R 32.	Recommendation incorporated into review that will be undertaken in response to Recommendation 32. ITSRR will refer matter to NTC for the development of regulation/standards for rolling stock.	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	*30/04/2007
36. The ITSRR should impose a standard in relation to the collection and use of data from data loggers.	Supported in principle for implementation through other means. ITSRR will introduce regulations including for data loggers that set out the expectations (or performance outcomes) required of industry. The regulations will be developed on a national basis, through the National Transport Commission process, to ensure consistent application across the Australian rail industry. Notwithstanding the expectation that industry will develop and maintain appropriate safety standards, ITSRR will retain the power to mandate such standards if the industry clearly fails to deliver satisfactory safety outcomes.	ITSRR will refer matter to NTC for development of National Regulation In the interim, ITSRR will review existing standards set in access agreements to ensure adequate standards for collection and use of data.	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	*31/01/2007

ITSRR Quarterly Report Seven   *Indicates revised interim date   Page 46 of 60
+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
37. The standard in relation to the collection and use of data from data loggers should provide that such information must be accessed in the circumstances of any accident or incident and can be accessed to monitor driver performance generally.	Supported in principle for implementation through other means. (See R 36) Information from data loggers can be accessed to monitor for any incident or accident and can be accessed to monitor a driver's performance generally.	ITSRR will refer matter to NTC for development of National Regulation ITSRR will adopt National Regulation In the interim, ITSRR will seek from RailCorp proposals to improve the monitoring of driver performance (especially for training purposes)	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	*31/01/2007
38. There must be compatibility of communications systems throughout the rail network. It is essential that all train drivers, train controllers, signallers, train guards and supervisors of trackside work gangs in New South Wales be able to communicate using the same technology.	Supported and being implemented. The National Standing Committee of Transport endorsed the Australasian Railway Association working with operators and regulators, including RailCorp and ITSRR, to develop a national approach on communications systems, which has agreed minimum functionality requirements for train radio systems. RailCorp plans to implement a digital train radio system. An objective of this system is for it to be interoperable with existing analogue radio systems. Because of the technical complexities associated with achieving inter-operability, this has been a longer-term initiative and the first stage of	ITSRR to ensure functionality and compatibility requirements included in national standard, currently under development by the Australasian Railway Association. ITSRR to ensure RailCorp/ARTC Radio Functionality for next generation technology compatibility requirements.	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	31/12/2010

ITSRR Quarterly Report Seven   *Indicates revised interim date   Page 47 of 60
+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
	its implementation will commence in 2005.					

*Indicates revised interim date
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# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
39. Communications procedures must be standardised throughout the rail network, so that all railway employees describe the same subject matter in an identical way.	Supported. RailCorp Network Procedures contain standardised communications procedures, which are in place across the NSW network. ITSRR will introduce regulations including for communications that set out the expectations (or performance outcomes) required of industry. The regulations will be developed on a national basis, through the National Transport Commission process, to ensure consistent application across the Australian rail industry.	ITSRR to ensure that standard communications procedures are included in Network rules. ITSRR to ensure that appropriate Training is provided by operator including: a) Evidence of Development of Training Program that addresses issues. (Includes Development Process, Training Aids / Curriculum.) b) Evidence of Appropriate Assessment Competency. (Delivery of course by appropriately qualified trainers.) c) Evidence of process to ensure the training of new staff and the Refresher training of existing staff. d) Review process built-in, to take into account relevance and changes. ITSRR will refer matter to the NTC for development of National regulations.	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	*31/01/2007
43. Communications protocols and procedures should be standardised. And mandated by regulations making them a condition of accreditation.	Supported. As for R 39.	ITSRR will refer matter to NTC for development of National Regulation ITSRR will adopt National Regulation. In the interim, ITSRR will enforce compliance with the current protocols through its accreditation, audit and compliance activities.	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	*31/01/2007

ITSRR Quarterly Report Seven   *Indicates revised interim date   Page 49 of 60
+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
50. All reported train defects should be certified by a person in a supervisory position in RailCorp as having been rectified.	Supported and being implemented. A supervisory position in RailCorp as having been rectified.	RailCorp to have identified an appropriate position to sign off train defects that have been rectified. RailCorp to have implemented procedures to support and implement process.	RailCorp	Open	Agency Claims Closure	30/09/2006
52. Maintenance plans on all trains should be revised annually.	Supported in principle for further review. All maintenance plans are being reviewed. RailCorp will incorporate this recommendation in that review.	All plans reviewed. Process to ensure regular / appropriate reviews take place	RailCorp	Open	Acceptable Response	31/12/2006
53. Train inspections should be carried out at the time of stabling RailCorp trains, as well as a part of train preparation prior to entering service.	Supported in principle for further review. RailCorp is reviewing procedures and resources to rectify defects. RailCorp provides time for drivers of stabling trains to report any noted defect.	A document risk assessment and/or business case by RailCorp, detailing how train integrity on entering into service is to be managed.	RailCorp	Open	Agency Claims Closure	31/10/2005
57d) all such medical examinations must be reviewed on behalf of the employer by an occupational physician.	Supported. ITSRR will submit this recommendation to the National Transport Commission (NTC) for consideration as part of the National Standard.	ITSRR will submit recommendation to NTC for consideration in context of current standard	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	*30/06/2007
58. RailCorp should establish a comprehensive safety document management system	Supported.	RailCorp Safety Document Management System to be Implemented which incorporates recommendation 59-62.	RailCorp	Open	Agency Claims Closure	31/10/2005
59. The safety document management system should provide for the distribution of electronic versions of safety documentation to relevant	Supported and being implemented.	RailCorp Safety Document Management System provides for the distribution of electronic versions of safety documentation to relevant staff.	RailCorp	Open	Agency Claims Closure	31/10/2005

*Indicates revised interim date
+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
staff.						
61. RailCorp should provide access to electronic versions of safety documentation for all operational staff at their workplace.	Supported in principle for further review. RailCorp is reviewing options for providing all staff with the best and appropriate means of accessing safety documentation, including by electronic means.	The Rail Safety Document Management System ensures the distribution of electronic versions of safety documentation to relevant staff. Procedures in place so that all operational staff can access safety documentation at appropriate times.	RailCorp	Open	Agency Claims Closure	30/06/2006
69. RailCorp must establish a task analysis for particular categories of employees, to identify the specific skills and responsibility of those employees or groups of employees, and thereafter undertake a training needs analysis, to develop the skills required in particular areas.	Supported and being implemented.	RailCorp to provide: a) Evidence of Development of Training Program that addresses issues in recommendations 66-70 (Includes Development Process, Training Aids / Curriculum.) b) Evidence of Appropriate Assessment Competency.(Delivery of course by appropriately qualified trainers.) c) Evidence of process to ensure the training of new staff and the Refresher training of existing staff. d) Review process built-in, to take into account relevance and changes.	RailCorp	Closed		

ITSRR Quarterly Report Seven   *Indicates revised interim date   Page 51 of 60
+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
70. Training should be based upon a needs analysis, to determine what skills a particular person will require to carry out the tasks of any position safely and efficiently, and instruction and practice, to acquire and demonstrate those skills.	Supported and being implemented.	RailCorp to provide evidence of a corporate system to identify skills development requirements based on a needs analysis.	RailCorp	Open	Acceptable Response	31/12/2006
71. The position of team leader should be created by RailCorp to be responsible for a group of approximately 30 train drivers, with responsibility to ensure that each train driver's training needs are being met and that any safety concerns of train drivers are being properly addressed. The team leaders are to have direct access to the Chief Executive of RailCorp if any safety concerns they have are not addressed	Supported in principle for further review. RailCorp is reviewing the current supervisory structure of train crewing in light of this recommendation.	Creation of appropriate position to carry out functions outlined in Rec 71.	RailCorp	Open	Agency Claims Closure	30/09/2006

ITSRR Quarterly Report Seven
*Indicates revised interim date
+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan
Page 52 of 60

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
88. The RailCorp passenger containment policy must be abandoned	Supported. RailCorp will review and replace the current containment policy, in consultation with ITSRR. The Commission recognised the complexity of determining appropriate policy and operational/technical arrangements for emergency egress from trains. Evidence to the Commission was that on some occasions passengers are best kept inside a train; in others they need to be able to escape. An independent risk assessment of the alternatives to the current policy will be undertaken. This risk assessment will be consistent with recommendation 34, and the replacement passenger containment policy will be based on its results.	Risk Assessment conducted. Containment Policy reviewed. New Policy developed and implemented.	RailCorp	Open	Agency Claims Closure	31/03/2006
89. There must be a minimum of two independent methods of self-initiated emergency escape for passengers from all trains at all times.	Requires further detailed review, subject to the risk assessment referred to in R88.	ITSRR has undertaken an initial review and recommended options for a standard. ITSRR to develop principles for an appropriate standard incorporating review findings and refer matter to NTC for development of a national standard.	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	*31/01/2007

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
90. All passenger trains must be fitted with an internal passenger emergency door release.	Requires further detailed review. See R 89.	ITSRR has undertaken an initial review and recommended options for a standard. ITSRR to develop principles for an appropriate standard incorporating review findings and refer matter to NTC for development of a national standard. ITSRR to ensure operators comply with standard.	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	*31/01/2007
91. All passenger trains operating in New South Wales must be fitted with external emergency door releases which do not require any special key or other equipment to operate.	Supported and being implemented. RailCorp has commenced a modification program to ensure all external emergency door releases do not require special keys or other equipment to operate.	ITSRR has undertaken an initial review and recommended options for a standard. ITSRR to develop principles for an appropriate standard incorporating review findings and refer matter to NTC for development of a national standard. ITSRR to ensure operators comply with standard.	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	*31/01/2007
92. The internal passenger emergency door release should be fitted with a facility which prevents it from operating unless the train is stationary.	Requires further detailed review. See R 89.	ITSRR has undertaken an initial review and recommended options for a standard. ITSRR to develop principles for an appropriate standard incorporating review findings and refer matter to NTC for development of a national standard. ITSRR to ensure operators comply with standard.	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	*31/01/2007

ITSRR Quarterly Report Seven   *Indicates revised interim date   Page 54 of 60
+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
93. The operation of the train doors should have an override facility whereby the train driver or the guard can override an internal passenger emergency door release system if the door release is interfered with when there is no emergency. There should be an alarm, together with an intercom, in the train guard's compartment so that, if a passenger attempts to initiate an emergency door release, there is an appropriate delay during which time an alarm sounds in the train guard's compartment and the guard can then, after first attempting to speak via the intercom to the person concerned, if necessary, override the door release, and make an appropriate announcement over the intercom system in the train.	Requires further detailed review. See R 89.	ITSRR has undertaken an initial review and recommended options for a standard. ITSRR to develop principles for an appropriate standard incorporating review findings and refer matter to NTC for development of a national standard. ITSRR to ensure operators comply with standard.	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	*31/01/2007

ITSRR Quarterly Report Seven   *Indicates revised interim date   Page 55 of 60
+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
95. All passenger trains operating in New South Wales must have the external emergency door release clearly marked with the words 'Emergency Door Release'.	Supported and being implemented.	ITSRR has undertaken an initial review and recommended options for a standard. ITSRR to develop principles for an appropriate standard incorporating review findings and refer matter to NTC for development of a national standard. ITSRR to ensure operators comply with standard.	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	*31/01/2007
98. All trains should have windows available through which passengers can escape.	Requires further detailed review. See R 89.	ITSRR has undertaken an initial review and recommended options for a standard. ITSRR to develop principles for an appropriate standard incorporating review findings and refer matter to NTC for development of a national standard. ITSRR to ensure operators comply with standard.	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	*31/01/2007
99. All new rail cars must have appropriate signage and lighting identifying escape routes in the case of emergency.	Supported.	ITSRR has undertaken an initial review and recommended options for a standard. ITSRR to develop principles for an appropriate standard incorporating review findings and refer matter to NTC for development of a national standard. ITSRR to ensure operators comply with standard.	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	*31/01/2007

ITSRR Quarterly Report Seven   *Indicates revised interim date   Page 56 of 60
+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
100. All new rolling stock must be designed with an area of the roof through which emergency services personnel can access a rail car without encountering wiring or other equipment. That access point must be clearly marked with words such as "emergency services cut here".	Requires further detailed review. See R 89.	ITSRR has undertaken an initial review and recommended options for a standard. ITSRR to develop principles for an appropriate standard incorporating review findings and refer matter to NTC for development of a national standard. ITSRR to ensure operators comply with standard.	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	*31/01/2007
101. ITSRR should initiate and/or participate in the development of a national standard for crashworthiness of all passenger trains.	Supported.	ITSRR will refer matter NTC for development of National Regulation. ITSRR will adopt National Regulation. In the interim ITSRR will ensure compliance with existing industry standards through its accreditation process.	Independent Transport Safety & Reliability Regulator	Open	Acceptable Response	*30/09/2007
103. RailCorp should establish clear safety accountability statements and reporting lines for all management positions.	Supported.	Accountability Statements implemented for all management positions.	RailCorp	Open	Agency Claims Closure	31/03/2006

ITSRR Quarterly Report Seven   *Indicates revised interim date   Page 57 of 60
+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
105. The RailCorp Board should ensure that RailCorp has an adequate and integrated safety management system, including adequate systems for risk assessment, clearly defined safety responsibilities and accountabilities for persons holding management positions, and specific performance criteria against which evaluations can be made of safety performance and accountability for safety performance of all managers.	Supported and being implemented.	Implementation of RailCorp Safety Management System. Clearly defined accountabilities to be in the SMS documents.	RailCorp	Closed		
107. RailCorp should ensure that where the safety competency of any manager is deficient such manager is required to undertake professional development courses to raise his or her safety competency level to an adequate standard.	Supported.	Review undertaken by RailCorp. Recertification plans developed.	RailCorp	Open	Agency Claims Closure	30/09/2006

ITSRR Quarterly Report Seven   *Indicates revised interim date   Page 58 of 60
+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
121. A safety management system regulation should be promulgated, specifying the requirements of safety management systems in all accredited organisations, using Annexure I to this report as a guide.	Supported in principle for implementation through other means. ITSRR will introduce regulations that set out the expectations (or performance outcomes) required of industry. The regulations will be developed on a national basis, through the National Transport Commission process, to ensure consistent application across the Australian rail industry.	ITSRR will refer matter National Transport Commission for development of National Regulation. ITSRR will adopt National Regulation. In the interim, ITSRR has developed NAP which sets out requirements and has made NAP a condition of accreditation.	Independent Transport Safety & Reliability Regulator	Closed		
122.a) RailCorp should establish an integrated safety management system which includes the following: a) a formal performance management system, incorporating measurable safety accountabilities and responsibilities for each managerial position;	Supported. The RailCorp Board has approved the safety strategic plan and the engagement of external experts to assist in the development of an integrated safety management system for RailCorp. The safety management system has been developed and will be implemented in 2005, consistent with the requirements of RailCorp's provisional accreditation. (a) RailCorp will review its integrated safety management system against this recommendation to ensure consistency.	RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f).	RailCorp	Closed		

ITSRR Quarterly Report Seven   *Indicates revised interim date   Page 59 of 60
+Indicates Slippage with revised date
# Indicates closure subject to the implementation of the approved program or plan

Recommendation	Government Response	ITSRR Expectation	Agency	Status	ITSRR Assessment	Target Date
122.b) defined safety accountability and responsibility statements for senior management;	RailCorp will review its integrated safety management system against this recommendation to ensure consistency.	RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f).	RailCorp	Closed		
122.e) criteria for recruitment and promotion of management staff, including safety management qualifications, experience and expertise	RailCorp will review its integrated safety management system against this recommendation to ensure consistency.	RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f).	RailCorp	Closed		
122.f.viii) development of key performance indicators for safety performance by all persons in management positions;	RailCorp will review its integrated safety management system against this recommendation to ensure consistency.	RailCorp to review its SMS to ensure that it incorporates requirements from recommendation 122 (a) - (f).	RailCorp	Closed		

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