

Minutes of meeting



INDEPENDENT
TRANSPORT
SAFETY
REGULATOR

Rail Safety Strategic Forum

Thursday 21 March 2013

ITSR Conference Room - Level 21, 201 Elizabeth Street, Sydney

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| <p>Present: (current attendees)</p> | <ol style="list-style-type: none">1. Stuart Hudd, Manager Rail Safety Compliance, Asciano2. Sandra Wilson-Ryke, General Manager Risk and Safety, Australian Rail Track Corporation3. Rodney Masters, Executive Councillor (Transport), Australian Services Union4. An Le, Executive Manager, National Compliance and Rail Safety, CFCL Australia Pty Ltd5. Catriona Scott, Compliance and HR Director, Freightliner Australia Pty Ltd6. Andrew Simpson, Rail Safety Manager, Glenreagh Mountain Railway Inc7. Ashley Brown, Rail Safety Coordinator, John Holland Group Pty Ltd8. Lindsay Holt, Rail Safety and Compliance Manager, Laing O'Rourke9. Geoff Martin, National Manager Rail Transport, Manildra Group10. Matthew Smith, Transport Safety Investigator, Office of Transport Safety Investigations (Observer)11. Peter Gawne-Buckland, Risk and Compliance Manager - Intermodal, QR National12. Paul Douglas, Rail Tram and Bus Union13. Campbell Clark, Manager Rail Safety Regulation, RailCorp14. Kevin Taylor, Chief Executive Officer, Rail Industry Safety and Standards Board (Observer)15. Richard Clarke, Chief Engineer, Sydney Tramway Museum16. Jimmy Borg, Manager Rail Safety, Transport Projects division, Transport for NSW17. Graham Neasmith, National Rail Safety Manager, UGL Rail18. Susan Everingham, Manager Communications (Chair), Independent Transport Safety Regulator19. Michael Monaghan, Executive Officer, Independent Transport Safety Regulator20. Adrian Rowland, Executive Director Transport Safety Improvement, Independent Transport Safety Regulator21. Simon Foster, Chief Operating Officer, Independent Transport Safety Regulator (from item 4) |
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| Minutes taken by: | Nathan Booth, Communications Officer, Independent Transport Safety Regulator (Secretariat) |
| Apologies: (non attendees) | <ol style="list-style-type: none">1. Lisa Trezise, Group Corporate Manager, El Zorro Transport Pty Ltd2. Alex Claassens, Secretary, Rail Tram and Bus Union3. Lawrence Battiss, Rail Safety Manager, John Holland Group Pty Ltd4. Geoff Prime, Organiser, Electrical Trades Union5. Peter Berriman, Chairman and Strategic Safety Advisor, NSW RTM6. Len Neist, Chief Executive, Independent Transport Safety Regulator |

| Discussion/ agenda item | Issue/notes | Decision/ action | Responsible person | Due |
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| (1) Welcome | <p>The meeting opened at 9.05 am.</p> <p>Susan Everingham (ITSR) opened the meeting by welcoming everyone. Simon Foster provided apologies for running late, joining the meeting at item 4.</p> | Minutes noted. | | |
| (2) Actions/issues arising from the previous RSSF meeting | <p>Susan Everingham (ITSR) ran through the minutes and action items from the previous meeting.</p> <p>Minutes from the November 2012 RSSF were published on ITSR's website.</p> <p>Actions completed:</p> <ul style="list-style-type: none"> • circulate external communications strategy for transition to the Office of the National Rail Safety Regulator • circulate invite to asset management workshop • liaise with Michael Tooma on presenting item on relationship between WHS and rail safety legislation. <p>Actions outstanding:</p> <ul style="list-style-type: none"> • There are no actions outstanding. | <p>Apologies noted.</p> <p>No further items added to the agenda.</p> | | |
| (3) Rail Industry Safety Report 2011-12 | <p>Adrian Rowland summarised the findings of the Rail Industry Safety Report (RISR) 2011-12 covering:</p> <ul style="list-style-type: none"> • activities - increase in passenger journeys and train kms over past five years; JHR took over management and control of CRN in January 2012; freight train kms increased from a low in early 2010 • injury and fatality • accidents • incidents | Minutes noted. | | |

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| | <ul style="list-style-type: none"> • other issues - highest level of D&A testing on record; temporary rise in some types of safe working breaches linked to operational change. <p>Sandra Wilson-Ryke (ARTC) commented that the report was based on operator notification reports and there were cases where initial reports (eg broken rails) were checked and later found to be something else. Adrian advised that ITSr's safety intelligence staff could provide advice on the process for verifying and normalising notifiable occurrence data.</p> <p>Susan noted that the report would be mailed out to members once tabled by the Minister for Transport.</p> | <p>Action item 1 – provide advice on misalignment data.</p> <p>Action item 2 – mail-out</p> | <p>Adrian Rowland</p> <p>Nathan Booth</p> | <p>April 2013</p> <p>April 2013</p> |
| <p>(4) Managing contractors in the rail industry</p> <p>Changes under WHS legislation introduced in 2012</p> <p>Appointing a principal contractor</p> | <p>Michael Tooma (Norton Rose) made a presentation on the relationship between rail safety law and WHS law, with a focus on contractor management. He explained that the legislation coexists with WHS law applying where there is a conflict. In major projects there can be multiple Persons Conducting Business or Undertaking (PCBU) who are accountable under the law.</p> <p>Under WHS law, there is no distinction between an 'employee' and a 'contractor' working for a company. 'Workers' now include volunteers, work experience students, subcontractors, etc.</p> <p>Lindsay Holt (Laing O'Rourke) raised the issue of contractual relationship between the contractor as an appointed PC and the RIM. It was discussed that a contractor could not be appointed as a PC under an arrangement where the RIM had effective management and control of the network. The applicability of this issue beyond the rail sector into industries such as electricity was mentioned. He mentioned that if a contractor then works under the accreditation of the RIM then it needs to be the RIM's Safety Management System (SMS) that is applied (including competency management, D&A and fatigue programs). Contractors then need to be advised of those programs to enable them to apply them.</p> <p>Graham Neasmith (UGL Rail) raised an issue around communication with</p> | <p>Minutes noted.</p> | | |

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| <p>Delegating PC responsibility</p> <p>Next steps</p> | <p>industry. Michael responded by saying that it is managed contract by contract.</p> <p>Catriona Scott (Freightliner Australia Pty Ltd) asked about responsibilities of sub(contractors) working under the PC. Michael commented that the Safe Work Method Statements (SWMS) are to be agreed between parties and comply with requirements under the act and WHS requirements. He advised that the PC must oversee work on site between every party and said a 'deed' (agreed between a number of parties) or 'deed poll' (declared to everyone) can be drafted to manage arrangements.</p> <p>Richard Clarke asked if there was an agreement between the rail safety regulator and WorkCover that could be used for guidance. Simon explained that ITSR's MoU with WorkCover and ComCare was designed to ensure clarity of roles in the event of an incident.</p> <p>Campbell Clark (RailCorp) asked if WorkCover/ONRSR could provide industry with advice about issues to consider with construction contracts. Sandra Wilson-Ryke (Australian Track Railway Corporation) suggested a fact sheet could be useful. Lindsay Holt (Laing O'Rourke) commented that this is a critical aspect of rail work as the relationship is not always applied or the systems of the RIM identified.</p> <p>Members were asked to email Adrian Rowland (action item 3) with any issues they would like addressed. Adrian will liaise with RISSB and Simon Foster will raise the issue with the ONRSR national office regarding the provision of advice to industry (action item 4).</p> | <p>Action item 3 – gather questions</p> <p>Action item 4 – advice from ITSR</p> | <p>Adrian Rowland</p> <p>Adrian Rowland</p> | <p>15 April 2013</p> <p>May 2013</p> |
| <p>(5) ONRSR NSW Branch overview</p> | <p>Simon Foster provided an overview of arrangements between ITSR and the Office of the National Rail Safety Regulator (ONRSR).</p> <p>Simon noted that ITSR remains a statutory authority of the NSW Government, but provides services to the ONRSR under a Service Level Agreement. He explained that ITSR continues to have a role in reviewing and evaluating matters relating to the safe operation of railway operations and advising or</p> | <p>Minutes noted.</p> | | |

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| <p>Future of RSSF</p> | <p>making recommendations to the NSW Minister for Transport as appropriate.</p> <p>Len Neist remains the Chief Executive of ITSR reporting to the Minister for Transport, with Simon Foster as Chief Operating Officer of ITSR and NSW Branch Director of the ONRSR, reporting to the ONRSR Chief Executive Officer, Rob Andrews.</p> <p>As Branch Director, Simon attends monthly National Operations Committee (NOC) meetings. The next meeting will be in Sydney on 11 April.</p> <p>Simon noted that he previously would sign off accreditation variations, but now it will be signed off by the ONRSR head office (Adelaide).</p> <p>Simon advised that the RSSF would continue as it was considered a constructive forum for both the regulator and the industry. He noted that the name of the forum and the agenda would change to reflect the national approach and its terms of reference (ToR) would be reviewed to establish the new focus and membership terms (action item 5).</p> | <p>Action item 5 – review ToR.</p> | <p>Nathan Booth</p> | <p>April 2013</p> |
| <p>National forum for CEOs</p> | <p>Kevin Taylor (RISSB) noted that a national forum for rail operator CEOs is being established by the ONRSR.</p> | | | |
| <p>ITSR reports and guidance</p> | <p>Matthew Smith (OTSI) asked about the future of the NSW Rail Industry Safety Report (RISR) and other documents ITSR previously hosted on its website. Simon advised that the 2011-12 RISR will be the last produced by ITSR, with ONRSR to provide reports in the future. As to other documents hosted on ITSR’s website, discussions are being held with the ONRSR national office as to how information will be made available in the future.</p> | | | |
| <p>ONRSR forms</p> | <p>Catriona Scott (Freightliner) advised that there are issues with the usability of some forms available from the ONRSR. Susan Everingham (ITSR) advised that several forms are being reviewed, with a view to make improvements to them in the near future.</p> <p>Simon updated the forum of the status of other jurisdictions in joining the</p> | | | |

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| Other jurisdictions | <p>national framework:</p> <ul style="list-style-type: none"> Victoria – debating bill in parliament at the moment, with a view to be online in the next few months QLD – to transition late in 2012, with employees directly employed by ONRSR WA – due to transition in either end of 2013, or at some point in 2014 - unclear whether will be under an SLA or provide direct employees. | | | |
| <p>(6) Improving human performance in safety critical communications</p> <p>Phased delivery for project</p> <p>Study parameters</p> <p>Rail Resource Management</p> | <p>Adrian Rowland provided an introduction to a new ONRSR NSW Branch project addressing safety critical communications. V/Line’s incident summary from 2010 identified communication as the most significant contributor to human performance failures.</p> <p>The project overview identifies three phases:</p> <ul style="list-style-type: none"> Phase 1 – Trial with industry partner Phase 2 – Broader industry rollout Phase 3 – Future applications for human performance improvement. <p>The initial study within rail transport operators involves using observational checklists to establish a baseline measurement for current safety critical communications (SCC) performance. Individuals are de-identified from the study and feedback is used to improve the safety culture within the organisation and provide benefits to crew. The RTBU will also be consulted as part of the project.</p> <p>Catriona Scott (Freightliner Australia Pty Ltd) asked about the use of Rail Resource Management (RRM) and the project’s status. Adrian advised that a survey was conducted in September 2012 to gauge use of the toolkit by</p> | Minutes noted. | | |

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| | <p>industry. Results from the survey have been evaluated, with the ONRSR NSW Branch and Transport Safety Victoria (TSV) working on revising the toolkit to make it more relevant to the rail industry.</p> | | | |
| <p>(7) D&A requirements under new rail safety legislation</p> <p>Key issues raised by Rail Transport Operators</p> | <p>Michael Monaghan provided an overview of D&A requirements for NSW which are outlined in three pieces of legislation:</p> <ul style="list-style-type: none"> • Rail Safety National Law (NSW) No 82a • Rail Safety National Law National Regulations 2012 • Rail Safety (Adoption of National Law) Regulation 2012. <p>A fact sheet has been developed by the ONRSR on D&A requirements, with NSW developing a supplementary Q&A document (provided to forum members).</p> <p>An abridged model training course for testing officers ('authorised persons') is to be finalised by end of May 2013.</p> <p>Some of the key issues raised by Rail Transport Operators (RTOs) so far have included:</p> <ul style="list-style-type: none"> • Blood alcohol content (BAC) limit – now zero • Urine and oral fluid testing – urine testing still required in NSW • 'Authorised persons' (testing officers) – ITSR is reviewing model training course • Notifications – formerly 3 months, now due every month | <p>Minutes noted.</p> | | |

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| | <ul style="list-style-type: none"> Penalties – increased for organisations and individuals. <p>Michael added that members can email any questions to the ONRSR NSW Branch at contact@transportregulator.nsw.gov.au, with answers to be added to the Q&A document.</p> | | | |
| <p>(8) General business</p> <p>Meeting dates for 2013</p> | <p>Susan Everingham noted that copies of presentations will be circulated to members along with draft minutes (action item 6).</p> <p>Future meeting dates for 2013 will be:</p> <ul style="list-style-type: none"> Thursday, 18 July, 9.00 am – 12.00 pm Thursday, 7 November, 9.00 am – 12.00 pm. | <p>Minutes noted.</p> <p>Action item 6 – circulate presentations</p> | Nathan Booth | April 2013 |
| Close | The meeting closed at 12.05 pm. | | | |
| <p>Next meeting: 18 July 2013, 9.00 am – 12.00 pm, ITSR Conference Room – Level 21, 201 Elizabeth Street, Sydney</p> | | | | |