

Rail Safety in Australia

Onwards we go!

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Where are we relative to others? - 1

- NZ Land Transport – has adopted a Safety Case approach – not supported in Australia – went for Co-regulation. Each state and the NT has its own regulator, with the NTC providing a co-ordination for the Australian Transport Council of Ministers – State and Commonwealth.
- UK – Office of Rail Regulator took over on 1/4/2006 from the Health and Safety Executive. Using a safety case approach for commercial railways, but not yet for “minor railways” – a new system yet to be developed. Proposals in many ways mirror those being introduced into Australia.
- Europe – EU working on it – Germany has massive rail safety office.
- Canada – no formal rail safety system – seems to be investigative only.

Where are we relative to others? - 2

- USA – Federal Railroad Administration – concerned if you run adjacent to a railroad or have a level crossing and seems mainly reactive to events.
- Australia – New Co-regulatory system where each state and NT should be on the similar path to each other happening, although Victoria got out ahead of the pack. They will have to make some changes to their Act and Regulations to bring them into line with the other states.
- Australia is well up with the world pack in terms of regulation of our industry.
- It should be noted that there was recently a “international” meeting or get together of regulators. We need to stay abreast of events around the world, just in case they come back and bite us. UK system is very similar to that of Australia – common headings.

Influencing the Future - 1

- When the National Transport Commission got involved in Health Standards, very poor knowledge of the Tourist & Heritage Sector (T&H) – especially tramway museums. All of a sudden we became part of the National Transport Task. This was shown by a COTMA meeting with the NTC in 2004.
- FRONZ has a very high profile in NZ. In Australia circa 2002, each state had a developed or fledging state T&H organisation, often borne out of the Insurance crisis. No body yet in NT, but being mooted. COTMA was not well known, by the various state regulators.
- The Association of Tourist and Heritage Rail Australia (ATHRA) formed 2004 and immediately commenced developing relationships, in association with the ARA. COTMA assisted in this process. Under the leadership of Paul Rollason, Qld, ATHRA has established itself amongst the regulators, NTC and other bodies.
- COTMA, along with ATRHA had representation on the AS 4292.1 committee. Richard Clarke of the Sydney Tramway Museum ably represented COTMA on this body. AS4292.1 will be superseded in the next couple of years by the new regulations etc.

Influencing the Future - 2

- The work of the late Graeme Breydon must be strongly recognised at this point. His representation of the sector on various panels, in particular the Rail Safety Regulators Consultative forum was instrumental in the Sector being recognised as part of the “Transport Task” and one that could easily be put out of business if the NTC Model Act and regulations were not appropriate and scalable for us.
- The ARA on which COTMA is a member, along with ATRHA, appointed a heritage liaison officer, Chris Le Marshall who has played an important part in promoting the sector with the rest of industry and within the ARA itself.

Influencing the Future - 3

- ATHRA and COTMA jointly prepared a “Profile of the Tourist & Heritage Railway and Tramway Sector in Australia”, to help explain to consultants and new analysts etc that the sector existed and that it was “slightly” different to hauling containers across the Nullarbor.
- In particular, the operation of street tramways in the Bourke St Mall is different to that of a heavy suburban railway system or operating trains between Brisbane and Sydney. Today many of the regulatory staff come from outside the industry and they have to undergo a steep learning curve about the diversity of the rail industry in Australia. No doubt similar problems exist in New Zealand and elsewhere.
- Don't be afraid to ask for a meeting, put in a response and build relationships.

Where are we up to?

- NSW and Qld adopted a Rail Safety Regulators Panel document known as the “National Accreditation Package”, compliance for our sector is the end of this year or early 2007. This is a precursor to the NTC model Rules and Regulations.
- In WA, SA, Tas and NT, which have mandated AS4292.1 in their Rail Safety legislation, all T&H are supposed to be compliant again by the end of 2006 or early 2007.
- Meanwhile in Victoria, under the new Act, T&H organisations have to be compliant with new Safety Management systems etc by July 2009 – three years from 7/2006.
- Commercial railways were given shorter timeframes generally.
- So just in case you think that it for the next few years, along comes the new National Model Act and Regulations. While based on AS4292, and have drawn from the NAP package, it still means that you will have to check your system and bring it up to standard to meet the revised requirements. Implementation dates for this.

Your Target Dates - 1

SMS & Risk Management requirements & Interface Co-ordination plans (ICP)	12 months from 1/1/07, except Vic.
Interface co-ordination plans with road infrastructure managers (level crossings etc)	36 months from 1/7/07.
Competency requirements for Rail Safety Workers	24 months from 1/7/07 with a review for T&H after 12 months.

Your Target Dates - 2

SMS & Risk Management requirements & Interface Co-ordination plans (ICP) - 12 months from 1/1/07, except Vic.

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Competency requirements for Rail Safety Workers - 24 months from 1/7/07 with a review for T&H after 12 months.

The proposed implementation timetable is quite tight for our sector. Why three years in Victoria? When the Victorian rail safety Act was introduced in the mid 1990's, the Act did not mandate a document to be followed, but used something called the Victorian Rail Safety Guidelines". This was prior to the introduction of AS 4292.1 etc. There is a larger gap to be filled between current SMS systems in Victoria and those of the new regulations, thus more time has been allowed for.

Your Target Dates - 3

The need for ICP's or known in NZ as "interoperability agreements" with road authorities is relatively new. Some of the road authorities have resisted this approach, but given the number of level crossing accidents and that trains are often losing with B doubles something has to be done to address level crossing risk and road vehicle driver behaviour.

Competency requirements. The definition of a Rail Safety Worker is very wide and includes virtually everyone, except perhaps the kiosk operator if they have no tram or rail duties. There is a lot of potential work in defining your competency requirements – lends to sharing of information or a "model set" from which you adapt.

The Big Issues

- COTMA's main issues were:
 - Impact on volunteers
 - Lack of scalability in some draft Regs
 - Additional time need by T&H
 - The ever changing regulatory system
 - Security Management Plans
 - Emergency Plans – extensive requirements
 - Competency and Training
 - No Accreditation fees for T&H
 - Need for Financial support

Competency - 1

- COTMA has been working with the Transport Distribution Training organisation to review and make appropriate the five units of competency for tram driving. These are:
 - 1. Inspect Prepare and Start and Electric Tram
 - 2. Operate and Monitor a Passenger Electric Tram
 - 3. Drive an Electric Tram to Operational Requirements – for non passenger operations
 - 4. Berth and shut down an Electric Tram
 - 5. Respond to tram driving Emergencies etc.
- These provide the framework undertaking a competency assessment – the end point. How you get there is up to you.
- Many units for track – a lot of sorting out to do.
- No units as such for a tram conductor – would have to build on other units. No commercial need for this unit in our terminology of the position.

Competency - 2

- Vehicle maintenance and electrical, linesman's aspects are partially covered in other AQTF units – EE-Oz – The Electro-Comms and Energy Utilities Industry Skills Council.
- Do you need an Registered Training Organisation – you may if you don't have access to a Certificate IV workplace assessor.
- The process is understood to be:
 - Prepare an assessment document or form from the TDT Unit.
 - Have the assessment document validated by an RTO or a person holding Certificate IV in assessment.
 - Undertake the assessment using the validated document using an appropriate person.
 - Issue appropriate certificate and keep required records.
 - Competencies are to be assessed under the AQTF scheme. That is, an qualified assessor must do the assessment or validate an assessment done by an in-house trainer/assessor.

How to do all of this? - 1

- Two sets of model documents available to assist you to prepare your new Safety Management Systems
- RSRP Safety Management System – Guidance for Tourist & Heritage Railway Operators – April 2006, issued by the Rail Safety Regulators Panel. Good start, some issues with the document, in particular the model organisation, but gives good clues on how to go about things. A second version is planned when the NTC model regulations are finalised. This is available on CD and is understood to have been distributed to members through the state T&H bodies. PTSV – Public Transport Safety Victoria – about to issue a set of model documents as well. Mainly rail oriented.

How to do all of this? - 2

- **Model Competency Assessments:**
- Should COTMA as a group prepare model documents, have them validated and then distributed to Members who can modify them to suit their own particular circumstances, vehicles and track? If yes, then we need to do:
 - Tram driving
 - Conductors
 - Track & Infrastructure
 - Linesman's - overhead
 - Vehicle maintenance
 - Electrical
- The first two are the critical ones.

How to do all of this? - 3

- Consultation – from a general industry viewpoint, consultation with the workforce these days is part of the safety process. Under the model regulations, formal consultation with your workers is required. For some this will be simple, especially those with a small workforce, but for others, more extensive. How you do this will be up to you, but necessary and note how you did it.
- Also you may need to talk to your local council about emergency planning and roads that cross your track. Use the opportunity to meet and get to know them better and ask for help – all part of being part of the community. If you cross a major road and have to talk to your state road authority, this may not be so simple. They have been drawn reluctantly (from their viewpoint) into the Rail Safety Act – to try and improve level crossing safety overall, but generally they don't see level crossings as a major issue. One road authority just views them as a “utility”.

How to do all of this? - 4

- Assistance by the regulators is “promised”. It will be up to each state regulator just how much they do. While the Rail Safety Regulators Panel will provide documentary assistance, this may not be translated to each state. Work through COTMA, ATHRA and your state organisation to promote this assistance and get as much as you can. Victoria is being quite helpful. The NTC is also assisting, but we need to “bleat”. Don’t forget they could be other sources of assistance – often grants to undertake training courses in museum management, assessment.

The Impacts - 1

- The cost to you is in man hours. When doing a submission on costs, which was only just mentioned in the Regulatory Impact Statement (RIS), one COTMA member identified that the worker hours to meet the new requirements could be about 600 hours.
- One risk identified by the NTC is that some organisations may not have the resources (hours and skills) to do this and be forced out of existence. This is a major concern to ATHRA/COTMA and has been recognised by the NTC's RIS. But assistance for some will be necessary. The other major risk is one of volunteer burnout. This was strongly made in COTMA's submission to the NTC and to the Victorian DOI.

The Impacts - 2

- Another potential impact or risk, is that while model documents have been promoted by the Regulators, they may not be considered satisfactory by the Regulator's auditors. If this is the case, let us know. If you strike problems of auditors that seem to be stepping outside the spirit of the regulations or the Act, let us know. We can't promise to resolve them, but we can at least try. Sometimes, this is due to a lack of understanding of electric street tramway systems – they are not main line railways on the defined interstate network. Don't forget trams operate in Melbourne and through the Bourke St Mall and the like. We have different risks to that of railways and we operate on line of sight principles generally.

Where from here? - 1

- Keep the Executive advised of problems – don't be afraid to ask for help, we might be able to assist or suggest someone else who can.
- Help each other – share information / documents – very useful, to see what others are doing, often works both ways.
- Watch what is happening locally – keep an eye on your state Acts and Regulations, while they should not differ in principle from the National Model, they may. Regulators may try their tweaking.
- Be active in your state body – otherwise the matters related to electric street tramways (us) could be lost in the problems of tourist railways.

Where from here? - 2

- Support your volunteers doing the paper war - once again – yes those who write and update documents will be huddled over their PC's doing more paperwork, the Safety Committee will be meeting more often and they won't be seen at the depot, until it becomes implementation time and oh no not them again! Support for your workers doing all of this will be vital, otherwise they may go up in smoke – burnt out!
- Don't lose your enthusiasm – as Alan Smith said in his paper – “The shared interest in, and enthusiasm for, trams is the core factor for success: not some belief that old trams are worth preserving because of their expression of cultural values” and “Reiterate the value of sheer enthusiasm even when the context seems to place more importance on measure objectives, or on risk avoidance, or on governance structures. There is room for both!”
- Don't forget why we are here – to preserve electric street tramways: their vehicles, the items that came with them, the operational characteristics, their history and their value to the community, but enjoy doing this too.