

Item

ITEM DETAILS

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Subject:	Application to vary accreditation DOO at a targeted number of mines west of Coppabella		
Function Term:	RAIL SAFETY	Activity Term:	ACCREDITATION (RAILWAY PROVIDERS)
Container Title:	Aurizon Operations Ltd (formerly QR Limited -QR NATIONAL PTY LTD)	Container ID:	490/00042 [9]

ACTIONS & OWNERSHIP

Author:	Not Relevant	Corporate Author:	
Author Title / Position:		Complaint Classification:	
Business Unit:			
Action Officer:			
Home Location:	RSR Floor 11 - 61 Mary St	Last Movement Date:	05/05/2016

SECURITY & ACCESS

Security Classification:	UNCLASSIFIED INFORMATION	
Security Access:	Unrestricted	

ADDITIONAL INFORMATION

Description / Additional Info:	

DOCUMENT CONTENTS

RE: Contact

Subject RE: Contact
From Not Relevant @aurizon.com.au
To Stephen.Z.Kelly@tmr.qld.gov.au
Cc rsr@tmr.qld.gov.au
Bcc
Sent 5/05/2016 12:35:10 PM
Attached



image001.gif



image002.gif



image005.png



20160504 signed Variation application.pdf

Steve

Page 2 redacted for the following reason:

Refuse Sch.4 Part 4 s.7(1)(c) Business/commercial/professional/financial affairs

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APPLICATION FOR VARIATION TO RAIL SAFETY ACCREDITATION

ACCREDITED RAILWAY DETAILS

Name of accredited rail transport operator

Aurizon Operations Ltd

KEY CONTACT FOR VARIATION

Name

Not Relevant

Position/Title

VP Safety Health and Environment

Business address

GPO Box 456

Suburb

Brisbane

Queensland

Postcode

4 0 0 0

Phone

3019 2010

Mobile

Email

Not Relevant @aurizon.com.au

PROPOSED VARIATION DETAILS

Please provide details for the proposed variation

As discussed with the Rail Regulation Unit Executive on 18 September 2015, and subsequently with the A/Manager (Operations & Investigations) (Accreditation and Education) on 18 February 2016, please find attached information brief to extend Driver Only Operation in the Central Queensland Coal Network. This Variation is aligned with the Aurizon Operations Safety Management System.

Proposed commencement date

31 May 2016

Further documentation is attached

CHANGE MANAGEMENT

Please mark applicable change management procedures that have, or will be undertaken

The applicant's change management procedures have, or will be followed

The applicant has conducted a risk assessment of the proposed variation

The applicant's risk control measures have, or will be implemented

The applicant has conducted consultation with the affected parties

The applicant has updated the safety management system

SUPPORTING DOCUMENTATION

I have attached all required supporting documentation

I have not attached all required supporting documentation

APPLICANT DECLARATION

It is an offence under the *Transport (Rail Safety) Act 2010* to state anything or give a document to an authorised person if you know it contains false or misleading information. The maximum penalty for either offence is 200 penalty units.

I declare that:

- All information provided in relation to this application is correct.
- I do not fall within the categories of persons defined by Part 2D.6 of the *Corporations Act 2001* (Cth) relating to disqualifications from managing corporations.

Name	<i>for</i> [Not Relevant]
Signature	[Not Relevant]
Date	04/05/2016

Released under RTI - DTMP

Page 6 redacted for the following reason:

Refuse Sch.4 Part 4 s.7(1)(c) Business/commercial/professional/financial affairs

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Queensland
Government

Our ref E23263-RSS 490/0042[10]
Your ref
Enquiries Amit Trivedi

Department of
Transport and Main Roads

4 November 2016

Not Relevant

Vice President, Safety Health and Environment
Aurizon Operations Ltd
PO Box 456
Brisbane Qld 4001

Dear Not Relevant

Application for variation to accreditation – Driver Only Operations west of Coppabella

I refer to Aurizon Operations Ltd's (Aurizon's) application to vary existing rail safety accreditation to include Driver Only Operations (DOO) within the Central Coal Network, specifically west of Coppabella. The application was submitted on 4 May 2016, with a number of additional documents provided at the request of Rail Regulation.

Section 116 of the *Transport (Rail Safety) Act 2010* (TRSA) requires the chief executive to consider each application for a variation of accreditation, if the chief executive is satisfied that the applicant meets accreditation criteria, the variation is to be granted. Accreditation criteria is detailed at section 98 of the TRSA. Section 98(b) includes the requirement that the accredited person has the *competence and capacity to manage risks to the safety of persons arising, or potentially arising, from railway operations.*

After reviewing the application and applying the TRSA and *Transport (Rail Safety) Regulation 2010* (TRSR), and as a delegate of the chief executive, I have decided to refuse the application to vary existing accreditation as Aurizon has not met accreditation criteria for this application.

Part Refuse Sch.4 Part 4 s.7(1)(c) Business/commercial/professional/financial affairs

Department of Transport and Main Roads
Customer Services, Safety and Regulation Division
Floor 3 Transport House
230 Brunswick Street Fortitude Valley Queensland 4006
PO Box 673 Fortitude Valley Queensland 4006

Telephone +61 7 3066 2946
Facsimile +61 7 3066 2917
Website www.tmr.qld.gov.au
Email amit.i.trivedi@tmr.qld.gov.au
ABN 39 407 690 291

Part Refuse Sch.4 Part 4 s.7(1)(c) Business/commercial/professional/financial affairs


Right of Review

Should you disagree with my decision you have the right to ask the Chief Executive to review the decision. An Information Notice is attached providing details of the review options available to you.

I am aware some legacy locations exist in Queensland where DOO is permitted in the absence of automatic train protection (ATP) or similar engineering control, I will be undertaking a review of these locations to ensure rail safety and alignment with the TRSA and TRSR.

If you have any queries regarding this decision please contact me direct on 07 3066 2946 or via email at amit.i.trivedi@trmr.qld.gov.au.

Yours sincerely


Amit Trivedi
A/Executive Director (Rail Regulation)

**Transport Planning and Coordination Act 1994
Transport (Rail Safety) Act 2010
Queensland Civil and Administrative Tribunal Act 2009**

**Transport (Rail Safety) Act 2010
Part 11 sections 259 & 260**

**Information Notice
(Appeal Provisions)**

With respect to the attached decision, which includes reasons for the decision, you are advised that you may use the provisions of section 259 of the *Transport (Rail Safety) Act 2010* (below) to ask the chief executive to review the decision.

section 259 – Internal review of decisions

- (1) A person whose interests are affected by a decision (the **original decision**) described in Schedule 2 (of the *Transport (Rail Safety) Act 2010*) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision (of the *Transport (Rail Safety) Act 2010*) under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, Part 5, Division 2–
 - (a) applies to the review; and
 - (b) provides–
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to the Queensland Civil and Administrative Tribunal (QCAT) – established under the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act) – to have the original decision stayed.

section 260 – External review of decision

- (1) This section applies if the chief executive's decision (the **internal review decision**) on a review under section 259 is not the decision sought by the applicant for the review.
- (2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the internal review decision.

Queensland Civil and Administrative Tribunal Act 2009

The QCAT Act, section 22(3) provides that QCAT may stay the operation of the internal review decision, either on application by a person or on its own initiative.

If you wish to have the attached decision reviewed under the provisions of section 259, please forward this request to:

Director (Rail Regulation)
PO Box 673
Fortitude Valley Qld 4006

Our ref E23344-RSS 490/00042[10]
Your ref
Enquiries Amit Trivedi

Department of
Transport and Main Roads

11 November 2016

Not Relevant

Vice President, Safety Health and Environment
Aurizon Operations Limited
GPO Box 456
Brisbane Qld 4001

Dear Not Relevant

Variation to accreditation

I refer to my letter E23263-RSS dated 4 November 2016 and subsequent meeting on 8 November 2016.

In the meeting, I agreed to provide further clarification regarding the reasoning for my decision to refuse Aurizon Operations Limited's (Aurizon) application for variation to accreditation. I have made the decision based upon my belief that Aurizon has not provided evidence demonstrating that the risks of removing the second driver has been reduced so far as is reasonably practicable (SFAIRP) in accordance with the *Transport (Rail Safety) Act 2010* (the Act).

Part Refuse Sch.4 Part 4 s.7(1)(c) Business/commercial/professional/financial affairs

Customer Services, Safety and Regulation
Land Transport Safety
Floor 3, Transport House, 230 Brunswick Street
Fortitude Valley Queensland 4006
PO Box 673 Fortitude Valley Queensland 4006

Telephone +61 7 3066 2946
Facsimile +61 7 3066 2917
Website www.tmr.qld.gov.au
Email amit.i.trivedi@tmr.qld.gov.au
ABN 39 407 690 291

Part Refuse Sch.4 Part 4 s.7(1)(c) Business/commercial/professional/financial affairs

Section 259 of the Act outlines the review provisions regarding my decision. An Information Notice was included as part of my correspondence dated 4 November 2016.

If you require further information please contact me by email at amit.i.trivedi@tmr.qld.gov.au or by telephone on 3066 2946.

Yours sincerely

Amit Trivedi
A/Executive Director (Rail Regulation)

Item

ITEM DETAILS

Item ID:	20444 - RSS	Item Type:	Email
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Container Title:	UNION MATTERS (INCLUDING RAIL TRAM AND BUS UNION AND AUSTRALIAN FEDERATED UNION OF LOCOMOTIVE EMPLOYEES)	Container ID:	490/00045 [1]

ACTIONS & OWNERSHIP

Author:	Not Relevant	Corporate Author:	
Author Title / Position:	Branch Organiser	Complaint Classification:	
Business Unit:	RTBU		
Action Officer:			
Home Location:	RSR Floor 11 - 61 Mary St	Last Movement Date:	12/02/2016

SECURITY & ACCESS

Security Classification:	UNCLASSIFIED INFORMATION	
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ADDITIONAL INFORMATION

Description / Additional Info:		

DOCUMENT CONTENTS

FW: DOO without trainstop

Subject FW: DOO without trainstop
From james.l.mcmahon@tmr.qld.gov.au
To rsr@tmr.qld.gov.au
Cc
Bcc
Sent 12/02/2016 10:14:44 AM
Attached



image001.jpg



Employee Consultation Pack Coppabella 20160203.pdf

Hello Christine,

Can you please register.

Thank you.

Regards

Jim McMahon

A/Principal Advisor | Rail Regulation

Land Transport Safety Branch | Department of Transport and Main Roads

Floor 3 | Transport House | 230 Brunswick Street | Fortitude Valley Qld 4006

PO Box 673 | Fortitude Valley Qld 4006

P: (07) 30662131 | F: (07) 30662917

M: Not Relevant

E: james.i.mcmahon@tmr.qld.gov.au

W: www.tmr.qld.gov.au

From: [redacted] [mailto:[redacted]@rtbu.com.au]

Sent: Friday, 5 February 2016 2:55 PM

To: James I McMahon <James.I.McMahon@tmr.qld.gov.au>

Subject: DOO without trainstop

Would appear that they have already been to the regulator. None our members or representative have been involved in any change management or risk assessments' for this major safety change.

Not Relevant

**Branch Organiser ,
Rail, Tram & Bus Union,
Queensland Branch .**

Phone: (07) 38394988

Mobile: Not Relevant

NR [@rtbu.com.au](mailto:[redacted]@rtbu.com.au)

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Item

ITEM DETAILS

Item ID:	21376 - RSS	Item Type:	Memo
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Circulation:		Copies Sent To:	
Subject:	File Note re RTBU request to submit information for consideration - DOQ various mines in Central Qld		
Function Term:	RAIL SAFETY	Activity Term:	ACCREDITATION (RAILWAY PROVIDERS)
Container Title:	UNION MATTERS (INCLUDING RAIL TRAM AND BUS UNION AND AUSTRALIAN FEDERATED UNION OF LOCOMOTIVE EMPLOYEES)	Container ID:	490/00045[1]

ACTIONS & OWNERSHIP

Author:	James I McMahon	Corporate Author:	
Author Title / Position:	Principal Advisor	Complaint Classification:	
Business Unit:	Accreditation and Education		
Action Officer:		Last Movement Date:	03/06/2016
Home Location:	RSR Floor 3		

SECURITY & ACCESS

Security Classification:	UNCLASSIFIED INFORMATION		
Security Access:	Unrestricted		

ADDITIONAL INFORMATION

Description / Additional Info:		
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DOCUMENT CONTENTS

 E21376 File Note re DOO submission from RTBU.pdf

File note

File number E 21376 RSS-490/00045

Subject Rail Tram and Bus Union correspondence (P21129) request to make submission about Aurizon application to vary rail safety accreditation to include Driver Only Operations at various mine sites Coppabella region

Author Jim Mc Mahon
Principal Advisor

Date 14 June 2016

-
- 19 May 2016 Jim Mc Mahon spoke to [Not Relevant] (telephone conversation) and ascertained that the RTBU wishes to make a submission for consideration regarding Aurizon's proposed variation to rail safety accreditation relating to Driver Only Operations at various mine sites within the Coppabella region.
 - He was advised that Rail Regulation is presently reviewing the documentation submitted by Aurizon and that no decision would be made before the end of May.
 - [Not Relevant] was requested to provide a submission as soon as possible.
 - [Not Relevant] gave an undertaking to provide the submission by 3 June 2016.
 - 3 June 2016 spoke to [Not Relevant] and ascertained that he has a 42 page submission which should be ready for submitting today.
 - Submission subsequently received on 6 June 2016.
 - Submission provided to Senior Advisor Greg Pryor who has carriage of Aurizon's application for variation to rail safety accreditation relating Driver Only Operations at various mine sites within the Coppabella region.
 - No further action required as [Not Relevant] will be advised of review of submission at upcoming stakeholder engagement meetings.

J.J. Mc Mahon
A/Principal Advisor

Item

ITEM DETAILS

Item ID:	21380 - RSS	Item Type:	Document
Date Created:	06/06/2016	Project ID:	
Date Captured:	06/06/2016	Sub Project ID:	
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Subject:	RTBU submission in Opposing Aurizon Limited DOO operations extension		
Function Term:	RAIL SAFETY	Activity Term:	ACCREDITATION (RAILWAY PROVIDERS)
Container Title:	UNION MATTERS (INCLUDING RAIL TRAM AND BUS UNION AND AUSTRALIAN FEDERATED UNION OF LOCOMOTIVE EMPLOYEES)	Container ID:	490/00045 [1]

ACTIONS & OWNERSHIP

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Author Title / Position:		Complaint Classification:	
Business Unit:			
Action Officer:			
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SECURITY & ACCESS

Security Classification:	UNCLASSIFIED INFORMATION	
Security Access:	Unrestricted	

ADDITIONAL INFORMATION

Description / Additional Info:	

DOCUMENT CONTENTS

RTBU submission in Opposing Aurizon Limited DOO operations extension

Subject RTBU submission in Opposing Aurizon Limited DOO operations extension

From Not Relevant rtbu.com.au

To rsr@tmr.qld.gov.au, james.i.mcmahon@tmr.qld.gov.au

Cc Consultation@rtbu.com.au Not Relevant

Bcc Not Relevant

Sent 6/06/2016 8:26:26 AM

Attached



image001.jpg



RTBU Submission to Queensland Rail Safety Regulator Re DOO Operations Aurizon 2016.pdf

Please find attached RTBU submission, the RTBU is available to discuss the content and answer any questions the Regulator has to clarify any points.

Regards,

Not Relevant

**Branch Organiser ,
Rail, Tram & Bus Union,
Queensland Branch .**

Phone: (07) 38394988

Mobile: Not Relevant

NR @rtbu.com.au

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**RTBU Submission to Queensland Rail
Safety Regulator
Re: Aurizon Operations Ltd Application
for Driver Only Operations' with Out
Automatic Train Stop Protection**

Released under RTTU DTMR

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Released under RTI - DTMR

Introduction

The RTBU does not support a proposal by any operator to carryout Driver Only Operations without Train Stop technology.

The Rail Tram and Bus Union (RTBU) is the voice of workers in Australia's rail and public transport industries. With around 35,000 members who work in light rail, passenger rail, freight rail, or on publicly-operated bus networks. We cover all who work in the Rail industry.

We have a serious focus on Safety within the rail industry.

Aurizon's proposal has not addressed its obligations under the Work Health and Safety Act 2011 or the Transport (Rail Safety) Act 2010.

Background

A Full Bench of the Fair Work Commission ordered that 12 expired enterprise agreements covering Aurizon and its employees terminate on 18 May 2015.

In April 2013, Aurizon Operations Limited, Aurizon Network Pty Ltd and Australia Eastern Railroad Pty Ltd (Aurizon) commenced the process of bargaining with employee organisations for new enterprise agreements to replace 14 enterprise agreements. The nominal expiry date for the agreements was 31 December 2013.

The Enterprise Agreements were documents which were the product of significant joint experience between the parties. They documented the outcome of sensible collaboration and consultation arriving at considered restrictions on the operation to ensure safety was the first priority. Normally, the restrictions were on hours limitations minded to ensure fatigue was properly managed.

Following privatisation and the subsequent termination of the previous agreements the focus of Aurizon was unashamedly more commercial. Consequently its bargaining strategy post agreement cancellation was to achieve minimalist documents allowing them greater flexibility. Despite this many of the long standing restrictions remained as matters of custom and practice, including those relating to the present Aurizon proposal.

The terminated QR National Traincrew Enterprise Agreement 2010 contained specific DOO conditions that would not allow this proposal to proceed.

110.12 Where RCS is to be installed it will be fully commissioned prior to the commencement of DOO on that section. For DOO in RCS areas a system to prevent a train passing signals at stop will be provided, except as provided for in this Agreement at the clause relating to working DOO to Raglan, Stirrat etc.

The RTBU is clear that the extension proposed would have been subject to disputation if the current protections our members had in place within their industrial instrument had not been stripped away, by Fair Work.

CREWING ARRANGEMENT	MAXIMUM ROSTERED SHIFT LENGTH (sign on to sign	LIMITATION OF HOURS
Two Driver Operations – includes as required' shifts involving 2 fully qualified drivers	12 hours	12 hours (Coal depots see Coal sub clause for exemption)
Driver Only Operations	9 hours	9 hours - all depots (See DOO tuition sub clause for exemptions)
Two Person Crew	10 hours	10 hours -- all depots
Route Tuition (Two drivers on locomotive, both fully qualified with one providing route tuition to the other)	11 hours	11 hours (See Route tuition sub clause for exemptions for route tuition shifts).
Tuition (Two drivers on locomotive. Learning driver is not fully qualified)	10 hours	10 hours (See sub clause for exemptions for trainee etc tuition shifts)
Local Shifts (Shed/Shunt/Local)	9 hours	Rostered shift length

The above provision also provided protections that Aurizon does not recognise and has in place shifts of well beyond this within coal for their operations of trains to and from the ports on Driver Only Operations that has not been assessed nor has the regulator been advised of the change.

This conflicts with Aurizon's obligations under both the Transport (Rail) Safety 2010 and the Workplace Health and Safety Act.

The applicant has used the provisions of the FairWork Act to change work practices agreed to without the changes being properly assessed. In 2006 the following was agreed and subsequently placed in the terminated agreements;

From 26 June 2006 DOO boundaries will be Stirrat and Raglan.

- *This facilitates:*
 - *Relief of Traincrew.*
 - *The departure of trains to alleviate congestion of the Callemondah yard. and*
 - *Traincrew will be only required to complete one trip per shift.*
- *A risk assessment and business instruction will be developed to ensure that safety and fatigue issues are managed effectively. This will occur in conjunction with the DOO boundary extending from Mt. Larcom to Raglan on 26 June 2006.*

Aurizon has not carried out proper consultation with regard to the proposed changes. Further it has not carried out the required risk assessment now that it requires traincrew to work beyond the previous one trip, to as many as the applicant sees fit.

Management of change

The safety management system must include procedures for ensuring the identification and management of changes that may affect the safety of railway operations.

The purpose of the management of change process is, first and foremost, to ensure that change is introduced safely, so far as is reasonably practicable.

An effective management of change process will also aid in consistent decision making and provide assurance that the rail transport operator continues to comply with the Work Health and Safety Act 2011, Transport (Rail Safety) Act 2010, and within the conditions and restrictions of their accreditation.

Different types of change introduce varying degrees of potential risk. The degree of scrutiny required, and the resulting level of detail at each step, should be proportionate to the degree of risk potentially introduced by the change, or the process of implementing the change. It is therefore recommended that rail transport operators have in place a range of management of change processes which require an increasing level of scrutiny as the potential level of risk associated with the change increases.

Aurizon has neither adhered nor acted in accordance to the management of change principles.

Transport (Rail Safety) Regulation 2010

10 Management of change

Systems and procedures for ensuring changes that may affect the safety of railway operations are identified and managed, including, for example, systems and procedures for ensuring, so far as is reasonably practicable—

(a) that the changes are identified and described in the context of how the changes may affect the safety of the railway operations; and

(b) that persons who may be affected by the changes are identified and, if practicable, consulted about the changes; and

(c) that the roles and responsibilities of rail safety workers involved in the railway operations, and employees of the rail transport operator or Authority, in relation to the changes are clearly specified; and

(d) that rail safety workers involved in the railway operations, and employees of the rail transport operator or Authority, are fully informed and trained to understand and deal with the changes; and

(e) that the requirements of section 64(1)(c) and (d) of the Act are complied with in relation to the changes; and

(f) that the changes, once implemented, are reviewed and assessed by the rail transport operator to determine whether or not the changes are being appropriately managed.

Consultation

Systems and procedures to ensure the consultation required under section 66 of the Act is carried out each time the safety management system is reviewed or varied.

Transport (Rail Safety) Act 2010

Part 4 Other requirements relating to safety of railway operations

Consultation requirement

A rail transport operator, before establishing a safety management system for railway operations, or reviewing or varying a safety management system for railway operations, must, so far as is reasonably practicable, consult with—

(a) persons likely to be affected by the system or its review or variation who are persons—

(i) who carry out, or are likely to carry out, the railway operations; or

*(ii) who work, or are likely to work, on or at the operator's railway premises;
or*

*(iii) who work, or are likely to work, on or with the operator's rolling stock;
and*

(b) health and safety representatives, within the meaning of the Work Health and Safety Act, representing any of the persons mentioned in paragraph (a); and

(c) unions representing any of the persons mentioned in paragraph (a); and

(d) any other rail transport operator, or a responsible road manager for a road, with whom the operator has an interface arrangement; and

(e) the public, as appropriate.

Work Health and Safety Act 2011

Consultation, cooperation and coordination (sections 46-49)

The Work Health and Safety (WHS) laws require a person conducting a business or undertaking (PCBU) to ensure, so far as is reasonably practicable, the health and safety of their workers while at work in the business or undertaking.

This includes:

- *provision and maintenance of a work environment without risks to health and safety*

- *provision and maintenance of safe plant and structures*
- *provision and maintenance of safe systems of work*
- *the safe use, handling, storage and transport of plant, structures and substances*
- *provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities*
- *provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking*
- *health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.*

Identify and assess risks to safety of persons

Hazard List

The RTBU produced the following hazard list as a generic starting point.

1. *Attend Work fit for Duty*
2. *Increased Workload (DOO versus TDO during sign-on duty and preparation for work)*
3. *Increased Workload (DOO versus TDO during sign-on duty and preparation for work) – receiving incorrect or out of date information*
4. *Locomotives are not available for preparation*
5. *Locomotive Preparation: Single and Multi-unit consist - Working Alone*
6. *Locomotive Preparation: Single and Multi-unit consist – Coupling and Uncoupling with one driver*
7. *Locomotive Preparation: Single Driver moving Loco*
8. *Walking within yards, terminals and sidings*
9. *Light Engine Movements within yards, terminals and sidings – non-compliance to procedures*
10. *Light Engine Movements within yards, terminals and sidings – Increased risk of shunting mishap*
11. *Light Engine Movements within yards, terminals and sidings –Long end movements*
12. *Prior to departure - Coupling Locomotive to Train*
13. *Prior to departure - Establishing Train Integrity*
14. *Prior to departure – Checking documentation, radio checks*
15. *Loco departure from Terminals, Yards and Sidings – driver not able to see opposite side of train*
16. *Loco departure from Terminals, Yards and Sidings – Receiving/transmitting communications during departure*
17. *Loco departure from Terminals, Yards and Sidings –*
18. *Departure on Road (each to be assessed)*
19. *Prior to departure – Reviewing train documentation*

20. *Receiving Network Operational documents enroute*
21. *Departure operations from Terminals, Yards and Sidings – failure to respond to a signal*
22. *Departure operations from Terminals, Yards and Sidings – unable to communicate incident due to communications failure*
23. *Operating in Network Safety Critical Zones –*
24. *Incorrect Speed,*
25. *Not observing TSR*
26. *Unable to view worksites*
27. *Not observing signage*
28. *Suburban Network*
29. *Roll-By examination*
30. *Radio Communications*
31. *Radio Communications with SDC, Network Controllers and other operators on the mainline*
32. *Communications Equipment Failure*
33. *Radio Communications with SDC, Network Controllers and other operators on the mainline –*
34. *No response from Train Control*
35. *Radio Communications with SDC, Network Controllers and other operators on the mainline –*
36. *Poor performance of off train communications equipment*
37. *Driver not maintaining adequate levels of alertness whilst working in isolation - in cab environment*
38. *Cab-unattended*
39. *Driver unable to prioritise driving tasks in the required timeframe for in-cab tasks*
40. *Driver not identifying/ interpreting signal aspect*
41. *Accessing Rail network from road during an emergency*
42. *Accessing rail network from road for relief/maintenance*
43. *Driver response to non-time critical rolling stock issues – with driver electing to stay in cab*
44. *Incident management controlled stop (non-time critical) – inability to self-recognise impairment post an incident*
45. *Incident management controlled stop (non-time critical) – job requires driver to couple/uncouple wagons*
46. *Incident management controlled stop (non-time critical) – driver fails to identify defect causing damage*
47. *Incident management controlled stop (non-time critical) – defect on track such as broken rail etc*
48. *Incident management controlled stop (time critical) - incident requiring driver to invoke emergency procedures*

49. Incident management forced stop – driver incapacitated with Vigilance system bringing train to a stop
50. Incident management forced stop – time delay between Vigilance system activation and emergency services arriving on scene
51. Incident management forced stop – driver incapacitated and no personnel in cab to render first aid
52. Incident management forced stop – driver incapacitated (application of automatic brake emergency service response time)
53. Incident management forced stop – driver incapacitated following a train parting event
54. Incident management forced stop – driver able (train partings and loss of air)
55. Incident management forced stop – driver partially incapacitated (driver able to stop train, activate emergency call, but requires medical assistance)
56. Fatigue management for DOO trains – insufficient rest at home
57. Fatigue management for DOO trains – driver fatigue resulting from
58. too much work and
59. insufficient workload/stimulus
60. Adherence to route aspects – signals, gradients, speed boards etc
61. Completing safe working forms
62. Meal Breaks
63. Personal Needs Breaks
64. Driver operating in difficult environmental conditions – fog, heavy rain etc
65. Protection of parallel running lines post an incident
66. Relief for DOO – ability to effect relief before maximum shift limits reached
67. Relief Point Access (s such as running lines, isolation of crew change points, other vehicles etc)
68. Relief point - travel to and from by vehicle
69. Approaching and Driving through Level Crossing
70. Responding to a Traumatic Event (the drivers response)
71. Responding to a Traumatic Event (management of incident by driver – post the incident)
72. Management of Disabled Train
73. Removal of Incapacitated Driver from Locomotive cabin post and incident
74. Evacuation from Locomotive when Loco is stationary on elevated sections of track i.e. bridges etc
75. Access/Egress to/from (Location)
76. Monitoring of DOO trains in isolated areas (SDC)
77. Cab-unattended (attend on-train fault or track infrastructure fault)
78. Reduction in capability to check non-drivers side of train
79. Rostering of DOO drivers
80. rostering error

- 81. *lack of roster rotation*
- 82. *variations to rostered work*
- 83. *Locomotives for DOO operations*
- 84. *Vigilance System*
- 85. *Ability for DOO driver to stable train in a location*
- 86. *Train not remaining in static position after train comes to stand*
- 87. *Train overtime in a section of track*
- 88. *CAB standards*

The list above is generic in nature however the RTBU has provided detailed concerns about particular hazards identified by local delegates and representatives. They are appended below.



Drivers

The RTBU has regularly pressed Aurizon to undertake risk assessment processes that compare the current documented process risks assessment with the proposed profile, to determine if the proposal has reduced or increased the risk profile.

Clearly, the current practices of Two Driver Operations have not been reassessed. Further, no hazard list has been properly assessed for any of the operations.

To this end, the RTBU wrote to Aurizon in the following terms:

From: [Not Relevant]@rtbu.com.au]
Sent: Tuesday, 1 March 2016 9:47 AM
To: [Not Relevant]@aurizon.com.au>; organiser@afule.org.au; Van [Not Relevant]@aurizon.com.au>; [Not Relevant]@aurizon.com.au>; Consultation <Consultation@rtbu.com.au>
Cc: [Not Relevant]@aurizon.com.au>; [Not Relevant]@aurizon.com.au>; [Not Relevant]@aurizon.com.au>
Subject: RE: ERIC

Good Morning all,

I have reviewed the risk assessment and found the comments by Aurizon that it is only a risk assessment in relation to the companies obligations under clause 48 of Aurizon Train Crew and Transport Operations Enterprise Agreement 2015 to be puzzling.

And after reviewing the document in line with that assertion that RTBU ask the following questions.

48.2. The consultation will give affected employees a genuine opportunity to influence the decision, and will include consideration of the following matters:

- communications
- signal sighting
- emergency procedures
- locomotive operating procedures
- availability of train stop technology (what discussions have been had on the availability of Train Stop)
- safety systems (the RTBU has continually requested all the current safety practices and documentation for the present operations' on the corridor, including risk registers, risk assessments', work method statements, emergency procedures and safety management system documentation for the operations of Aurizon in this area be provided , non to date have been released)

48.4. The implementation committee will be provided with all relevant material, including relevant communications with the regulator, provided that the Company is not required to disclose confidential information, the disclosure of which would be contrary to the Company's interests. (The company has stated that they have been in contact with the regulator yet no documentation has been forthcoming as per the requirements' of this clause.)

The RTBU seeks Aurizon's response to these issues along with how the separation of processes for the company (attached) can meet the provisions of both the Transport(Rail) Safety Act and the Work Health and Safety Act under this scenario?

The risk assessment makes no mention of the available engineering solution to the removal of the second person on the locomotive the only proposed solutions are administrative, does the company believe this meets its obligations’?

The RTBU await Aurizon’s response to these questions,

Regards,

Not Relevant

**Branch Organiser,
Rail, Tram & Bus Union,
Queensland Branch.
Phone: (07) 38394988**

Mobile: Not Relevant

NR @rtbu.com.au

The RTBU received the following reply:

From: Not Relevant @aurizon.com.au

Sent: Monday, 7 March 2016 5:48 PM

To: Not Relevant organiser@afule.org.au Not Relevant

Consultation

Cc: Not Relevant

Subject: RE: ERIC

Hello Not Relevant

Thanks for your email.

I refute your contention that the draft risk assessment was carried out in a manner that was in any way uncomprehensive, inadequate or limited by clause 48 of the TC & TO EA or that such a representation was made. As evidenced by the contents of the document itself, the risk assessment was carried out in a thorough and comprehensive manner. Members of the Coppabella Safety Committee were each given ample opportunity to participate in the development of the document and to raise concerns if they believed its scope was inadequate.

Where you appear to be confused is that I have stated on numerous occasions that the scope of the ERIC (not the risk assessment) is limited by subclause 48.3 of the TC & TO EA. What I have said is that Aurizon’s obligations in relation to the ERIC are specific and are limited by the scope of subclause 48.3. That is, it is a committee that Aurizon were obliged to establish because we propose to implement DOO without train stop technology west of Waitara. It must be provided with information relevant to the introduction of DOO without train stop technology west of Waitara, provided with communications with the regulator relevant to the introduction of DOO without train stop technology west of Waitara and provided an opportunity to make submission to the regulator about the introduction of DOO without train stop technology west of Waitara. It is not a forum in which Aurizon is obliged to reach agreement with unions about our proposal or to provide information that isn’t relevant to the introduction of DOO without train stop technology west of Waitara such as records of training across the enterprise in processes unrelated to operating DOO without train stop technology west of Waitara, or records of all the organisations current safety practices in the corridor that are unrelated to the operation DOO without train stop technology west of Waitara.

What Aurizon does intend to provide the ERIC – in addition to the draft risk assessment already provided - is all relevant material from Aurizon’s application to the Rail Regulator to vary our accreditation, excluding any parts of that application the disclosure of which would be contrary to the company’s interests (per subclause 48.4). Once that material is finalised it will be provided to ERIC members.

In relation to the availability of train stop technology, we have been very clear throughout the consultation process that we are proposing to introduce is DOO without train stop technology and have drafted all consultation material and framed all discussions on that basis. Aurizon’s right to propose the introduction of DOO without train stop technology is provided for specifically by subclause 48.3 of the EA. Subclause 48.2, on the other hand, is a general provision providing for the introduction of DOO (with or without train stop technology). As you’re no doubt aware, it is a basic principle of construction that a specific provision must be applied to the exclusion of the general provision. Consequently, the obligation to discussing the availability of train stop technology is excluded by our specific right to propose the implementation of DOO without train stop technology. Having said that, we have shown a willingness to discuss this issue by referencing it in the consultation material and by answering questions on the topic. We have been clear that our current proposal does not include train stop technology because the risks can be effectively managed without it. And if they can’t, regulatory approval will not be forthcoming.

Which brings me to your final point. I note that you raise concerns about Aurizon’s ability to meet our statutory safety obligations. As I’ve stated previously and will state again, Aurizon’s position is that what we are proposing is safe. Ultimately, however, the final decision on whether it is in fact safe will be made by external parties. You’ve made it clear that you don’t share Aurizon’s view and I’m sure you will make those views known to the relevant parties, as is your right.

Regards

Not Relevant

Manager Employee Relations
Human Resources

T +61 7 3019 9361 / M Not Relevant F +61 7 3235 1315

Level 15, 175 Eagle Street, Brisbane, QLD 4001

Not Relevant @aurizon.com.au / aurizon.com.au

The RTBU replied:

From: Not Relevant @rtbu.com.au]

Sent: Tuesday, 8 March 2016 12:32 PM

To: Not Relevant @aurizon.com.au>; organiser@afule.org.au; Van

Not Relevant @aurizon.com.au>; Not Relevant @aurizon.com.au>;

Not Relevant @aurizon.com.au>; Consultation <Consultation@rtbu.com.au>

Cc: Not Relevant @aurizon.com.au>; Not Relevant @aurizon.com.au>;

Not Relevant @aurizon.com.au>; Not Relevant @aurizon.com.au>; Not Relevant

Not Relevant @aurizon.com.au> Not Relevant @aurizon.com.au>

Subject: RE: ERIC

Hi NR thanks for your reply,

The RTBU points I believe have not been understood by the management of this proposed change under the provisions of the Workplace health and Safety Act Section 47: A person conducting a business or undertaking must consult, so far as is reasonably practicable, with workers who carry out work for the business or undertaking and who are (or are likely to be) directly affected by a health and safety matter.

The broad definition of a 'worker' under the WHS Act means that you must consult with your employees plus anyone else who carries out work for your business or undertaking. You must consult, so far as is reasonably practicable, with your contractors and sub-contractors and their employees, on-hire workers, volunteers and any other people who are working for you and who are directly affected by a health and safety matter.

Our members representatives are entitled to take part in consultation arrangements and to be represented in relation to work. The Union Stakeholders has been requested this process at meetings.

Section 49: A person conducting a business or undertaking must consult with workers when:

- identifying hazards and assessing risks arising from the work carried out or to be carried out*
- making decisions about ways to eliminate or minimise those risks*
- making decisions about the adequacy of facilities for the welfare of workers*
- proposing changes that may affect the health or safety of your workers, and*
- making decisions about procedures for consulting with workers; resolving health or safety issues; monitoring health of your workers; monitoring the conditions at the workplace and providing information and training for your workers.*

The RTBU believes consultation is required when identifying hazards, assessing risks and deciding on measures to control those risks.

Our members and their representatives need access to information such as technical guidance about workplace hazards and risks . Information should not be withheld just because it is technical or may be difficult to understand. The WHS Act requires that Aurizon allow any health and safety representatives to have access to information Aurizon have relating to hazards (including associated risks) affecting our members and also any information about the health and safety of workers in the work group.

Section 48: Consultation requires that:

- relevant work health and safety information is shared with workers*
- workers are given a reasonable opportunity to express their views and to raise health or safety issues*
- workers are given a reasonable opportunity to contribute to the decision-making process relating to the health and safety matter*
- the views of workers are taken into account, and*
- workers are advised of the outcome of any consultation in a timely manner.*

The RTBU believes that Aurizon has not complied with these obligations under the Workplace Health and Safety Act or section 66 of the Transport (Rail) Safety Act. The Fair Work act doesn't over ride Aurizon's obligations in this matter and the RTBU has continually pointed that out to you and Aurizon's representatives in these discussions.

The RTBU therefore suggest that Aurizon undertake the process under the Workplace Health and Safety and Transport (Rail) Safety Act's for this consultation.

Regards,

Not Relevant

**Branch Organiser,
Rail, Tram & Bus Union,
Queensland Branch.
Phone: (07) 38394988**

Mobile: Not Relevant
NR @rtbu.com.au

Aurizon's response:

Hi NR

Aurizon is comfortable that we have acted reasonably in respect of consultation with affected workers as required under WHS and Rail Safety legislation.

Thanks and regards

Not Relevant

Manager Employee Relations

Human Resources

T +61 7 3019 9361 / M Not Relevant F +61 7 3235 1315

Level 15, 175 Eagle Street, Brisbane, QLD 4001

Not Relevant @aurizon.com.au / aurizon.com.au

The above exchange demonstrates that Aurizon believe the terms of the industrial agreement take precedence over their obligations to safety as required by the Work Health and Safety Act 2011 and the Transport (Rail Safety) Act 2010. The RTBU believes the above emails confirm this proposition and that Aurizon are in danger of falling into error by allowing commercial considerations cloud their commitment to safety.

Aurizon's application denotes kilometres from Yukan to the Port (Jilalan is in Between the 2) and the proposed DOO area is giving kilometres from Coppabella yard, where in reality Train Drivers may be required to travel from Waitara to Riverside or Peak Downs return covering substantially more distance. (Coppabella is in between Waitara and the mine)

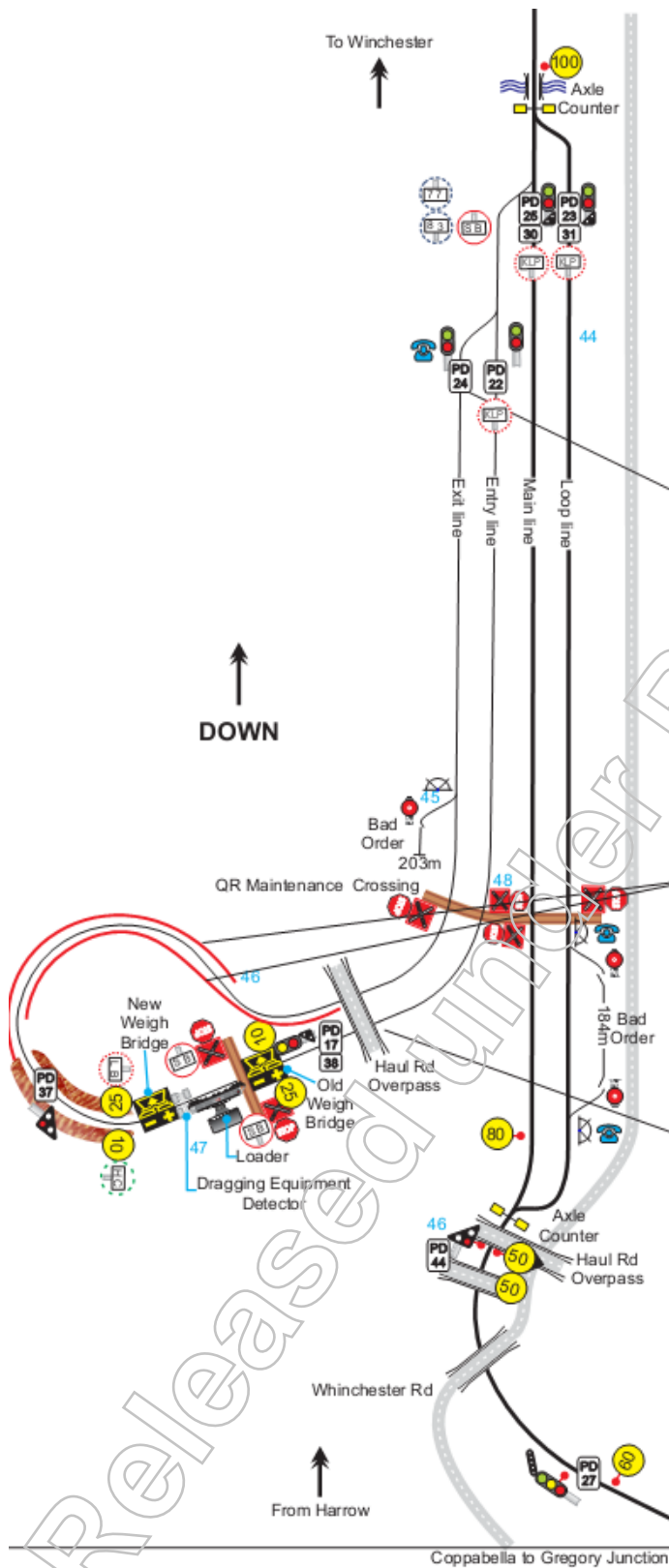
- Waitara to Riverside - approx. 104km
- Waitara to Peak Downs - approx. 91km
- Yukan to Port - 35 km though route maps show it as 28km.

Or

- Coppabella - Riverside 58km
- Coppabella - Peakdowns 48km
- Coppabella - Waitara 45km
- Jilalan to Port - 19km
- Jilalan to Yukan - 9km

The times for travel Aurizon are questionable; e.g. Coppabella to Waitara 20 minutes. That's impossible unless route speed has been increased to 135km/h.

Local RTBU delegate compiled the following maps which underline the safety concerns inherent in the proposal. To date the issues have not been addressed satisfactorily.



PEAK DOWNS BALLOON

Areas of Concern

Stand on Auto Brake Application

Signals

PD 23	Time Limit 120 min - 35 handbrakes
PD 25	Time Limit 120 min - 35 handbrakes
PD 22	Time Limit 120 min - 35 handbrakes

With these time limits a DOO Driver would be expected to leave cab and apply 35 handbrakes as a lone worker.

PD24 can not be seen until within 300m of signal

Loading at Peak Downs is very problematic due to the rising gradient of the track. 3551 class locomotives low speed system present the biggest problems.

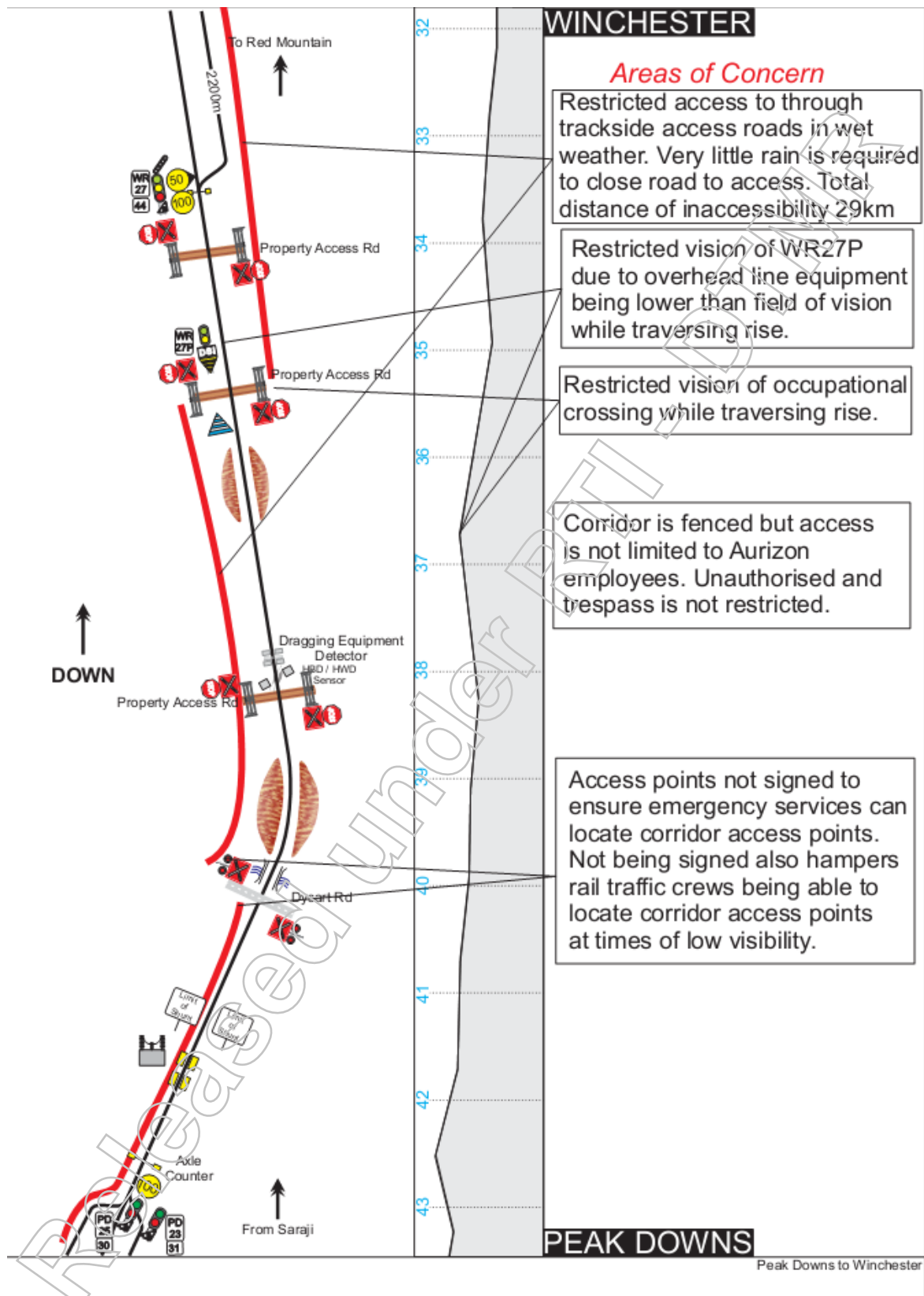
No vehicular access to these locations due to drains, dams and embankments.

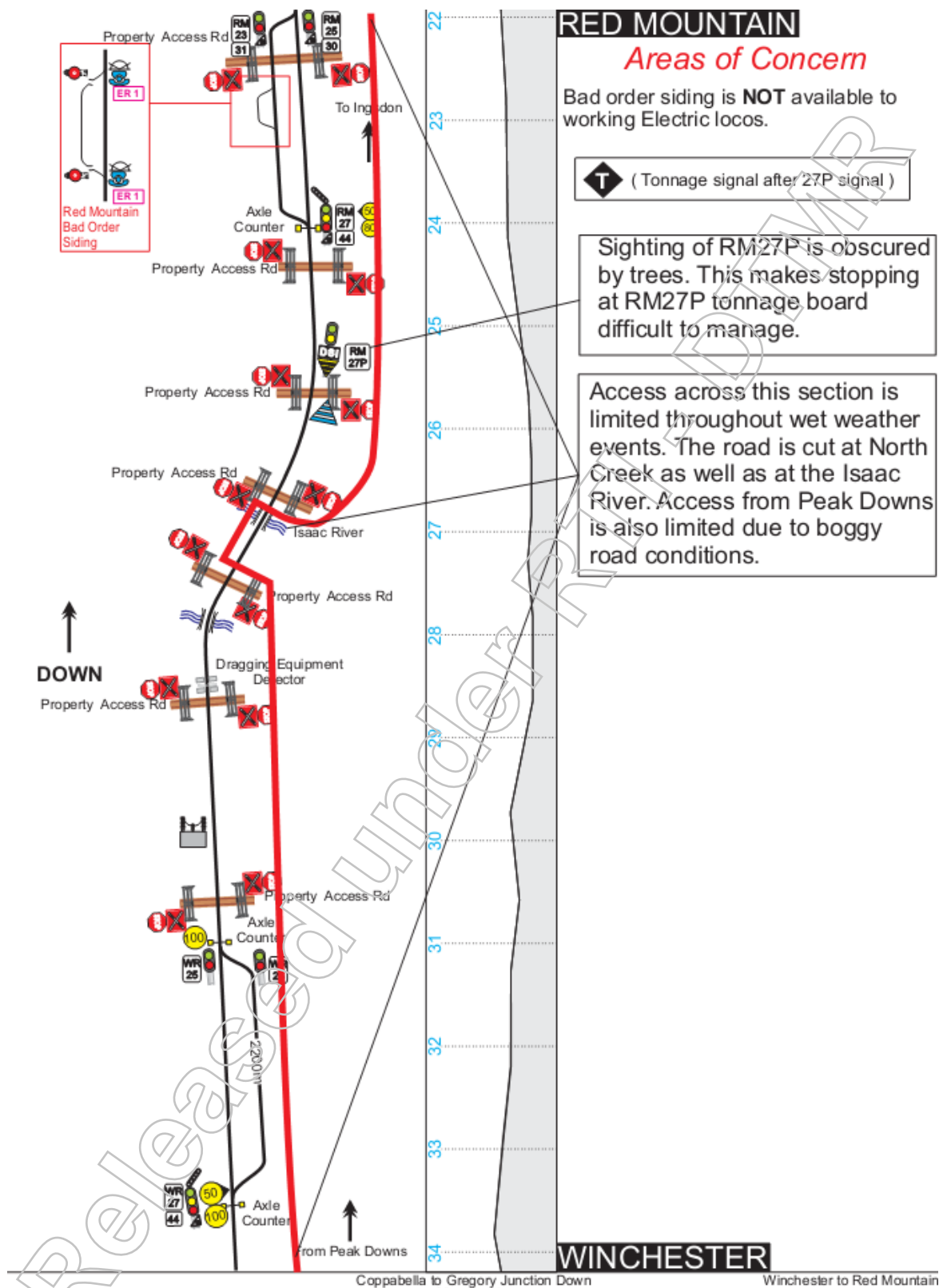
Access to trains loading within the balloon is very limited. Drivers have to walk to access trains loading at any point past the overpass.

Emergency services response time could be hampered by the lack of access.

Coppabella to Gregory Junction Down

Peak Downs Balloon





RED MOUNTAIN

Areas of Concern

Bad order siding is **NOT** available to working Electric locos.

 (Tonnage signal after 27P signal)

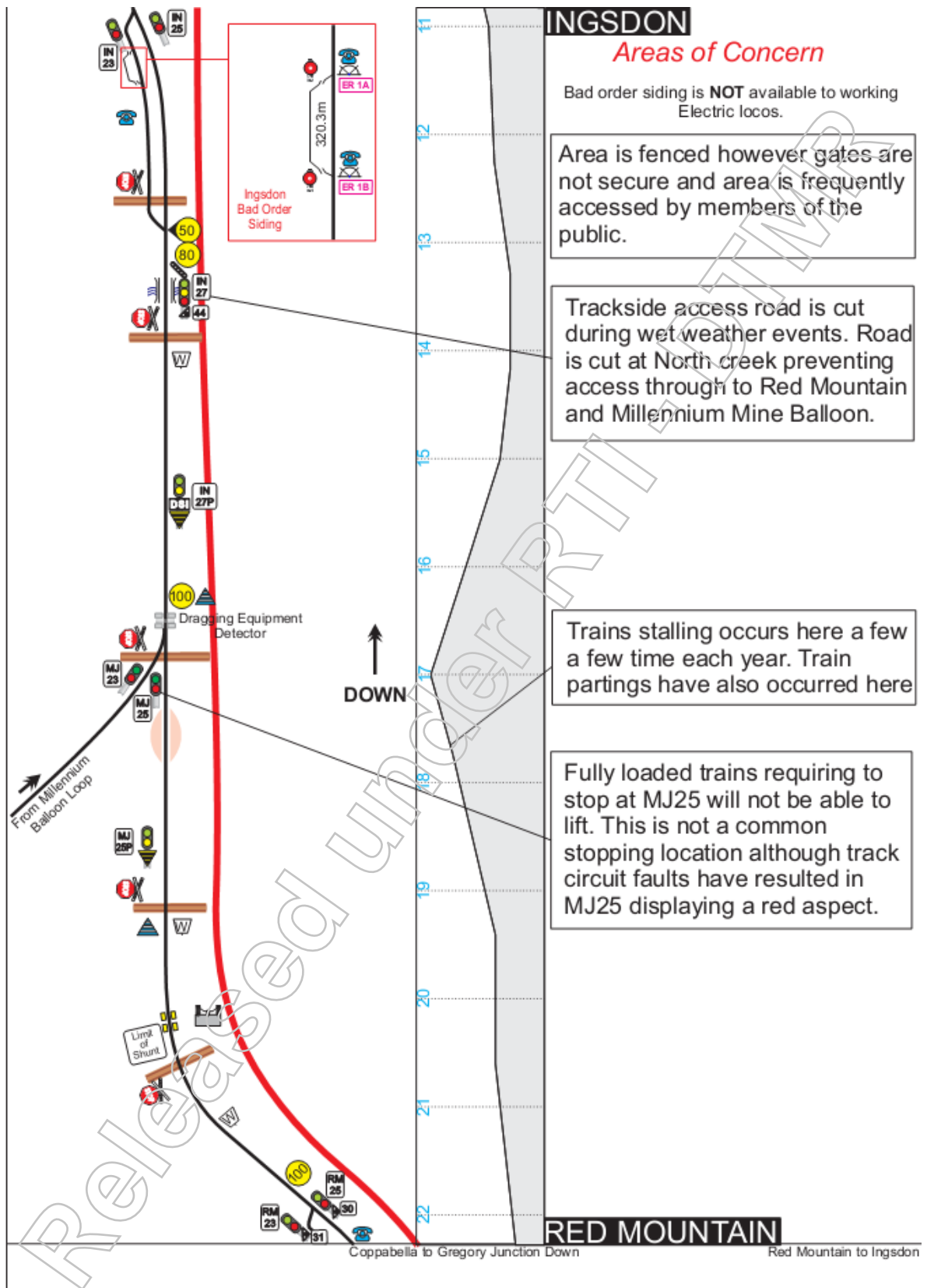
Sighting of RM27P is obscured by trees. This makes stopping at RM27P tonnage board difficult to manage.

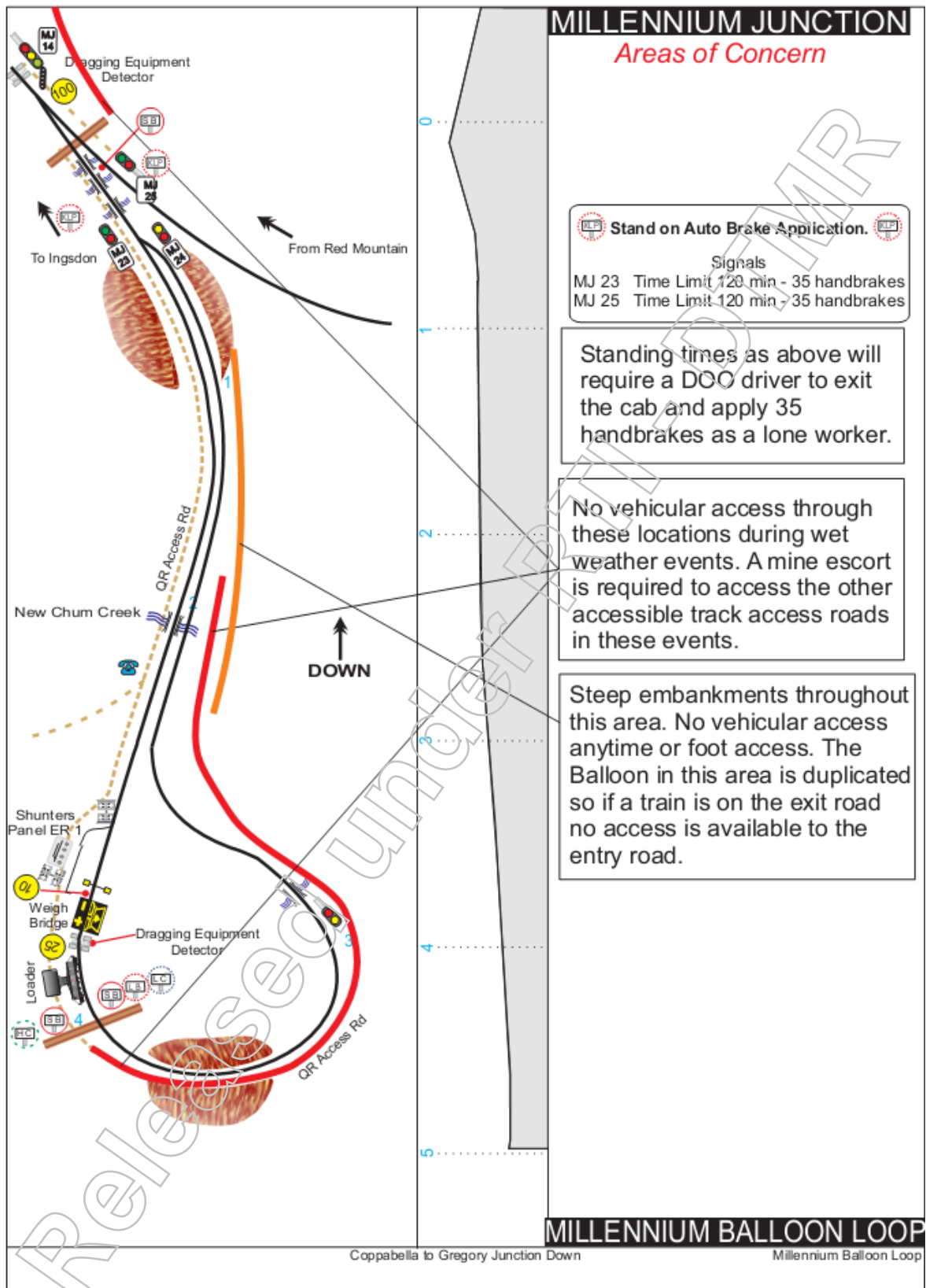
Access across this section is limited throughout wet weather events. The road is cut at North Creek as well as at the Isaac River. Access from Peak Downs is also limited due to boggy road conditions.

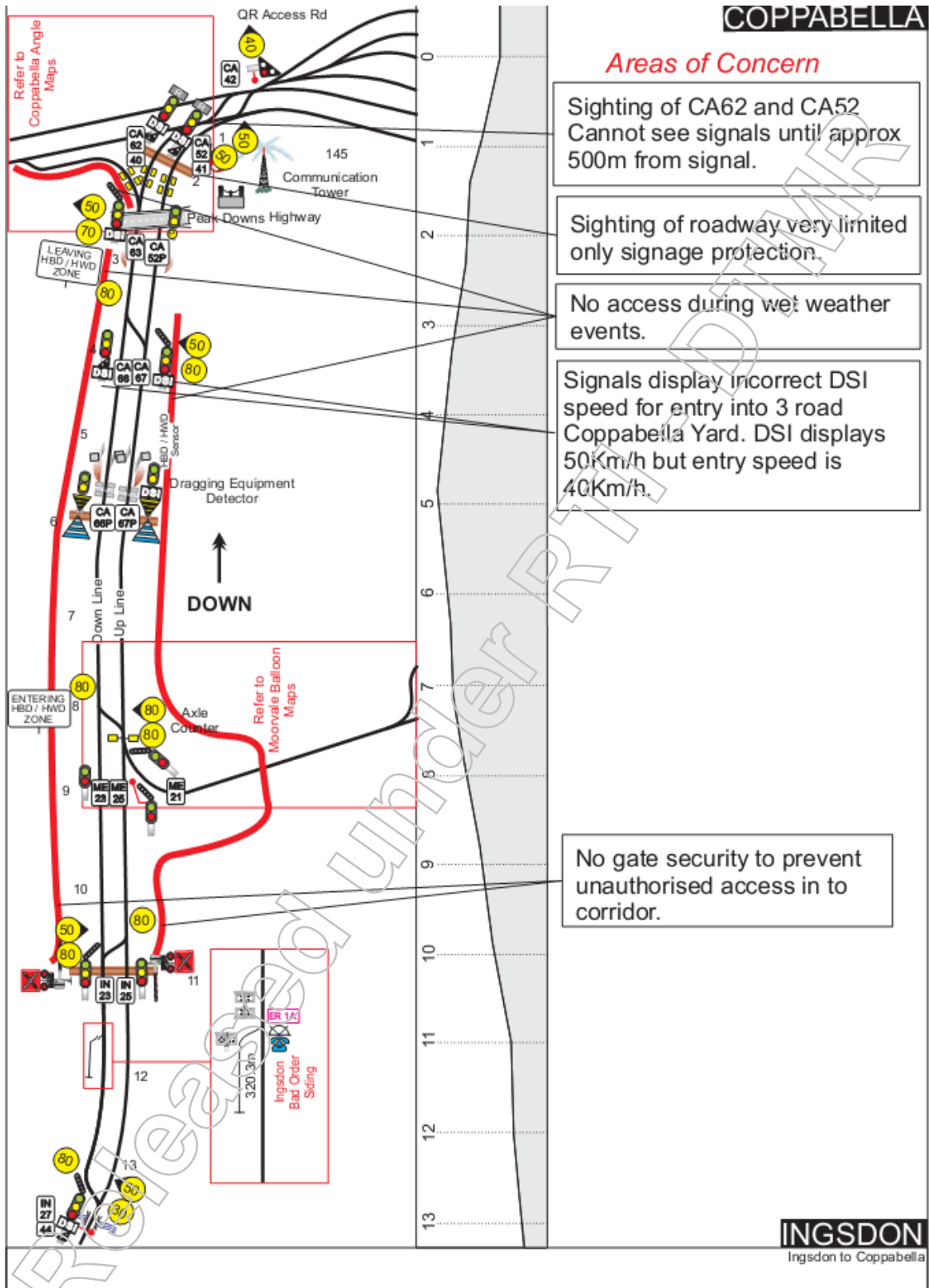
DOWN

WINCHESTER

Coppabella to Gregory Junction Down Winchester to Red Mountain







COPPABELLA

Areas of Concern

Sighting of CA62 and CA52
Cannot see signals until approx
500m from signal.

Sighting of roadway very limited
only signage protection.

No access during wet weather
events.

Signals display incorrect DSI
speed for entry into 3 road
Coppabella Yard. DSI displays
50Km/h but entry speed is
40Km/h.

No gate security to prevent
unauthorised access in to
corridor.

INGSDON
Ingsdon to Coppabella

RIVERSIDE RE

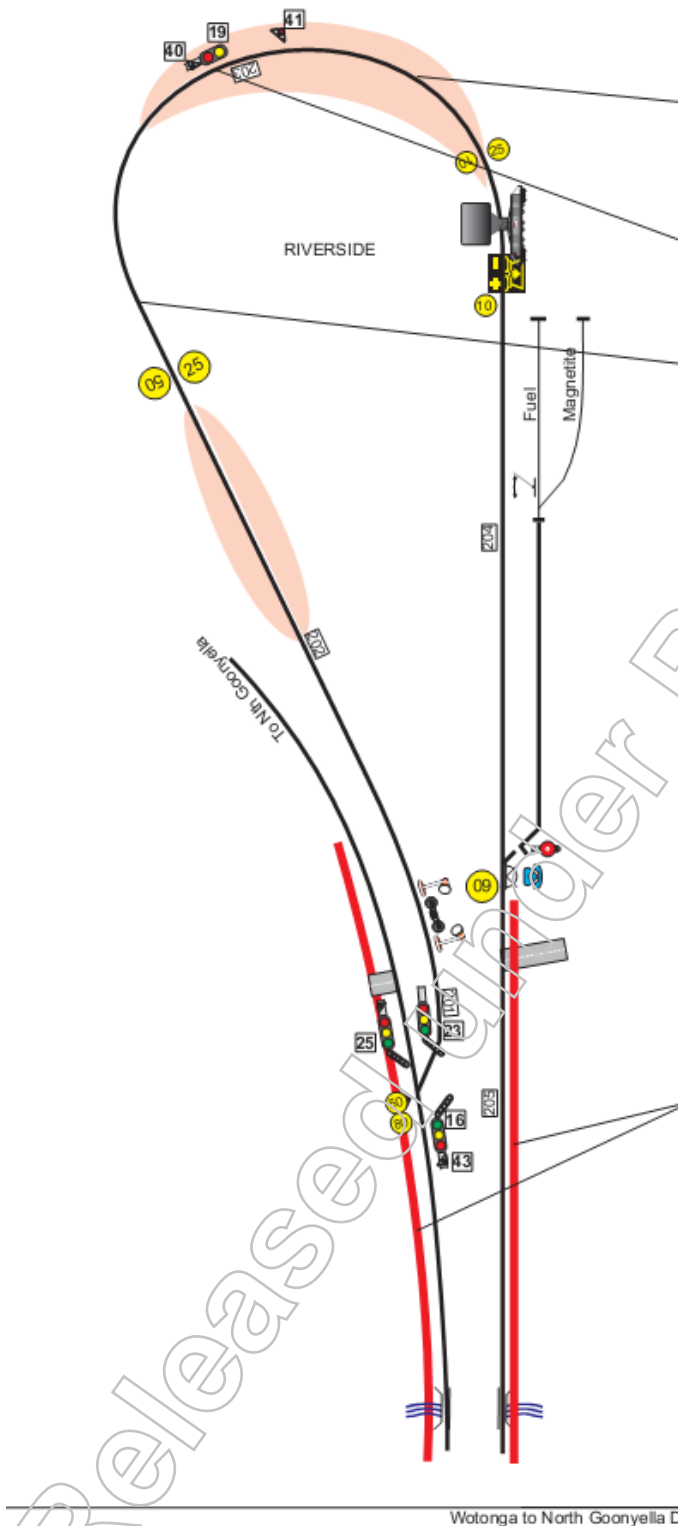
Areas of Concern

In cutting prior to loadout, soil and water can cover line during heavy rain.

Vision of RE19 limited by vegetation less approx 300m off signal before sighting

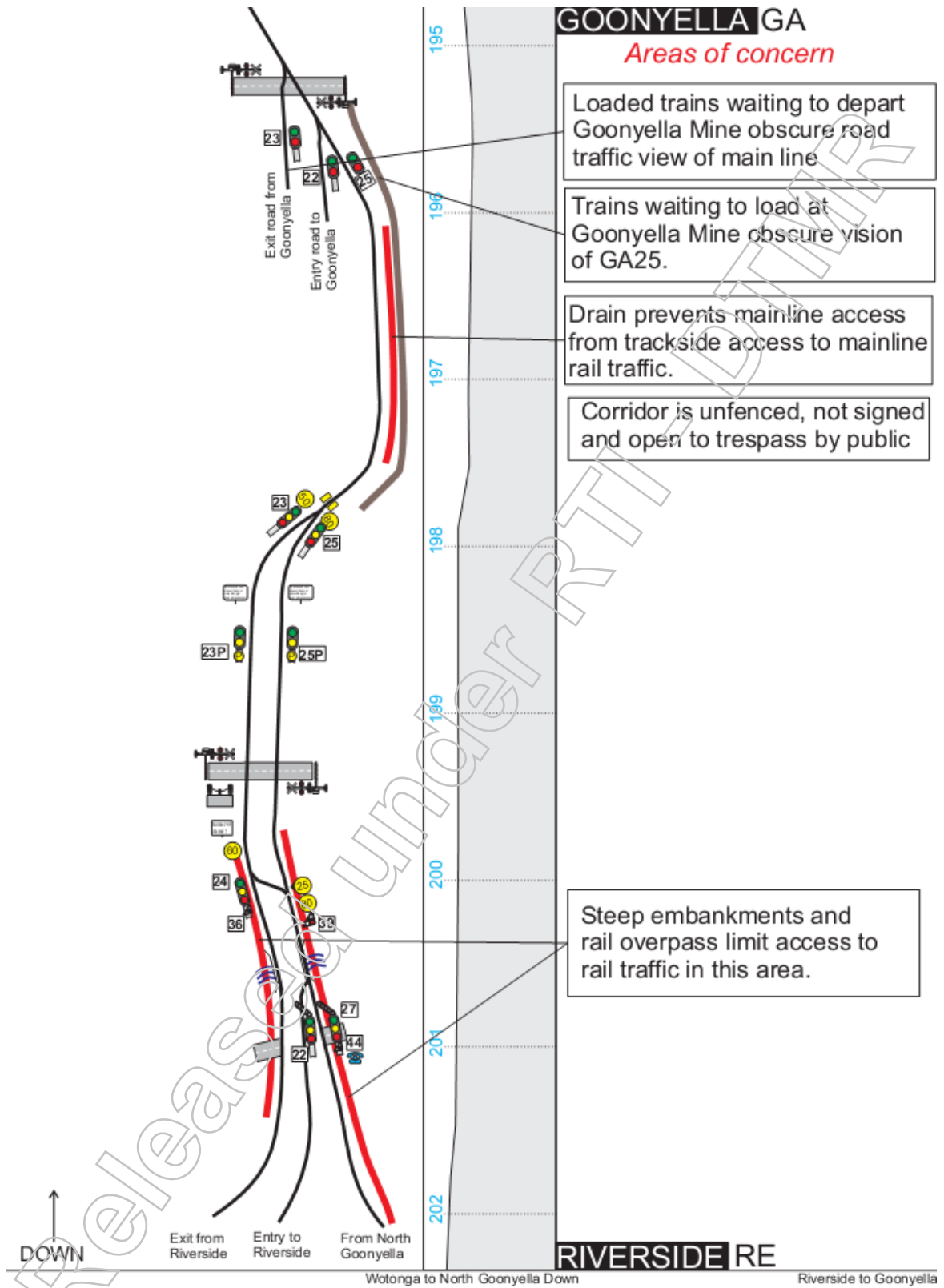
Unprotected track crossing point has been installed.

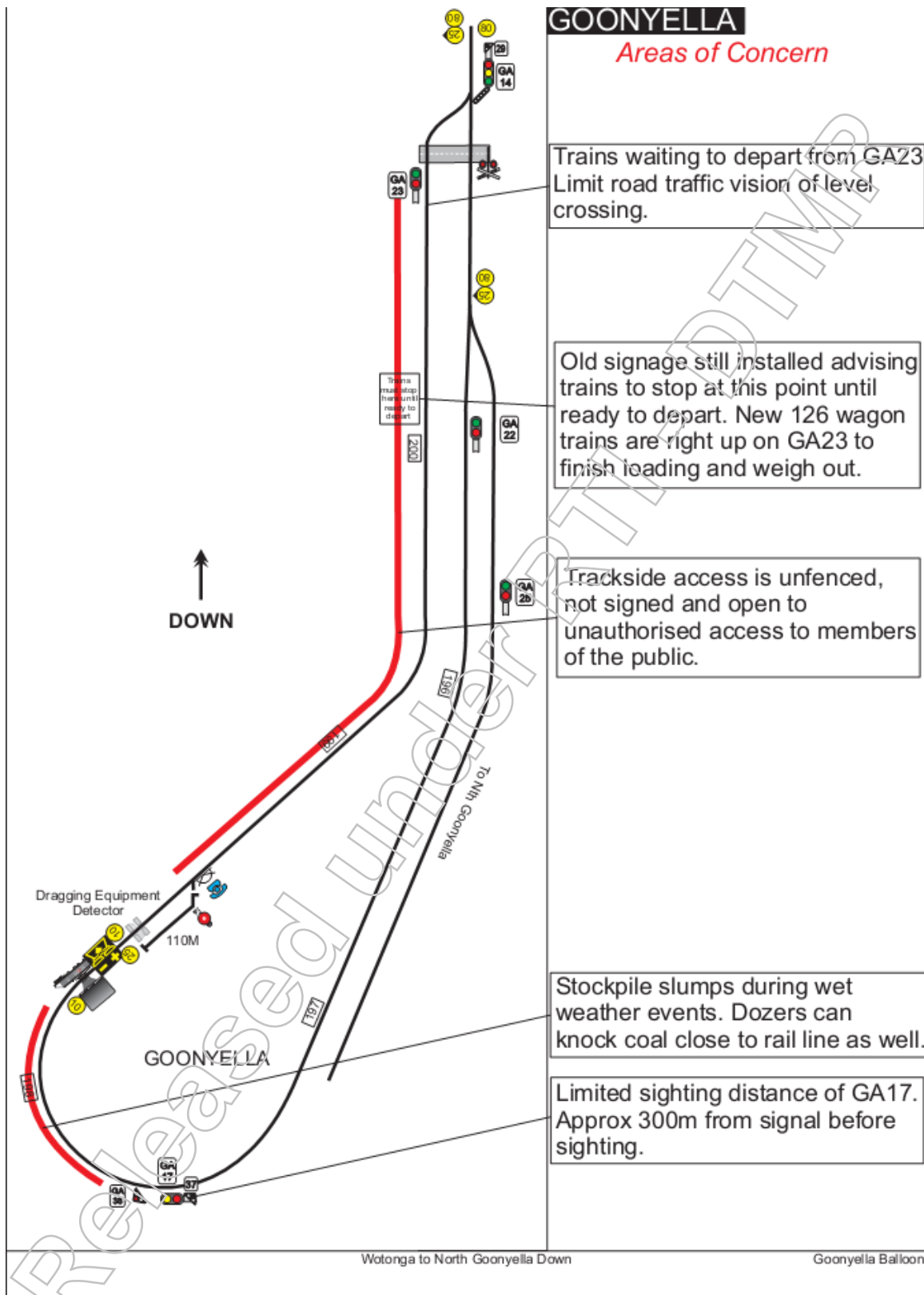
Steep embankment and overpass limit access to trains loading in this area.

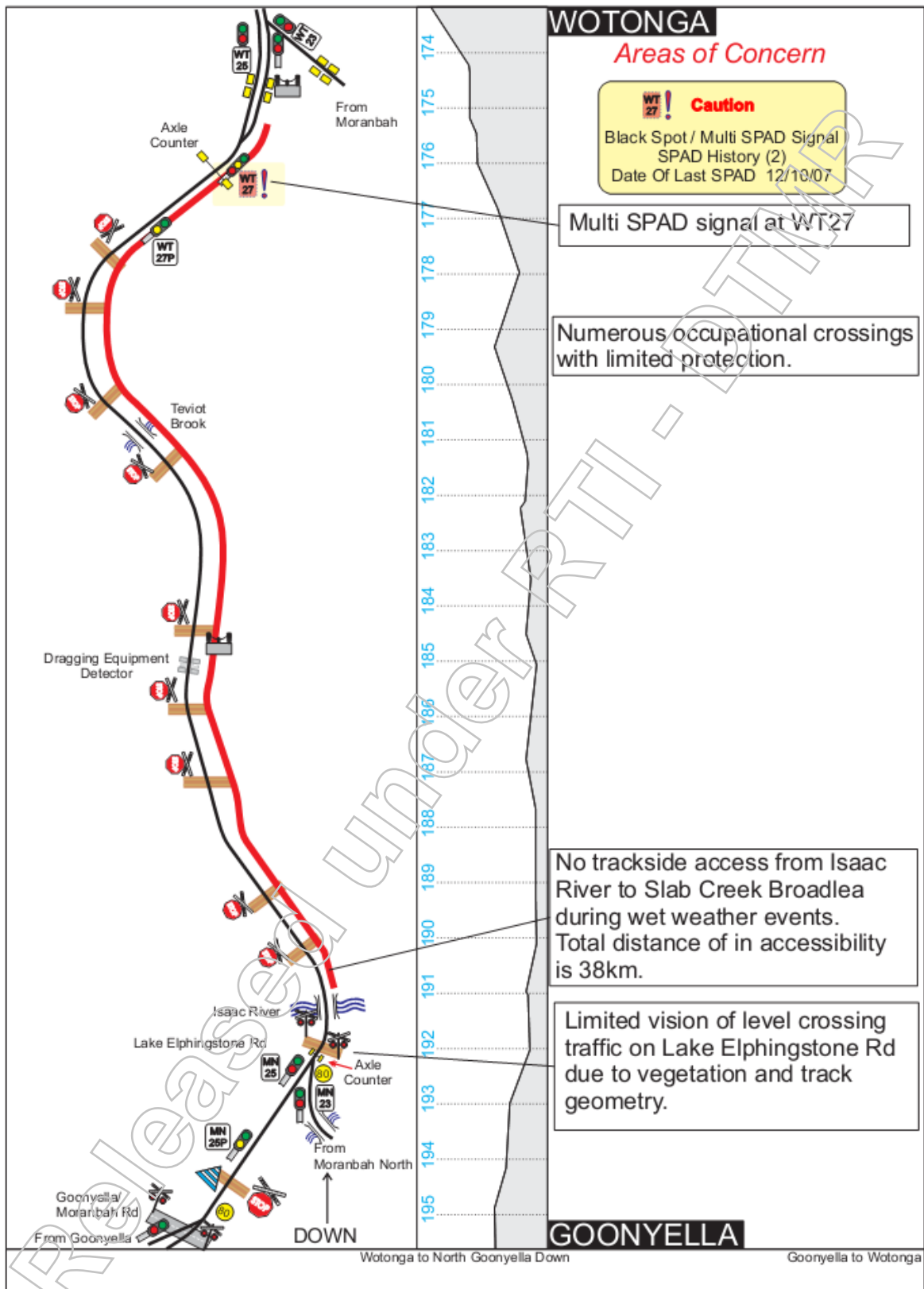


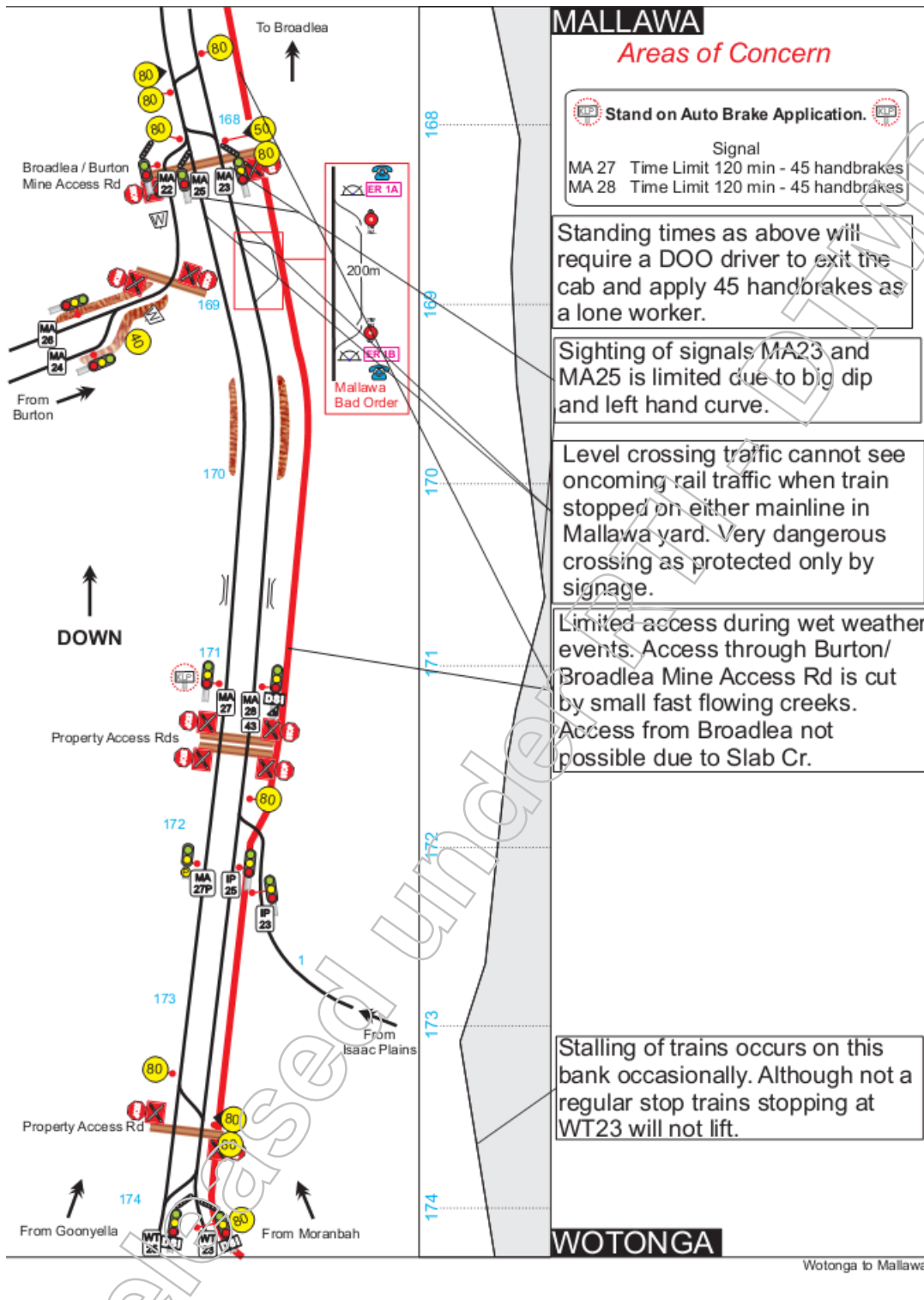
Wotonga to North Goonyella Down

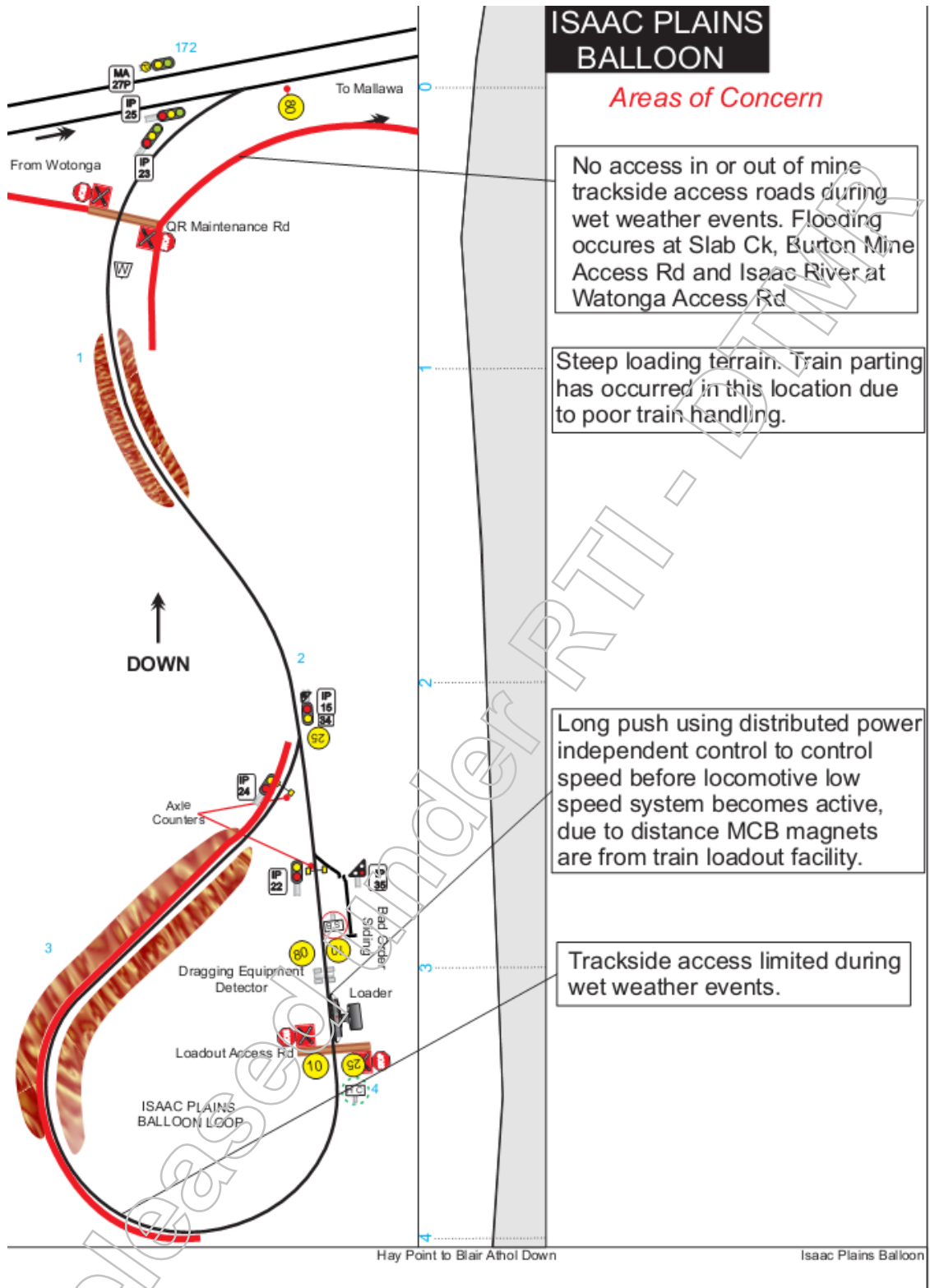
Riverside Balloon











ISAAC PLAINS BALLOON

Areas of Concern

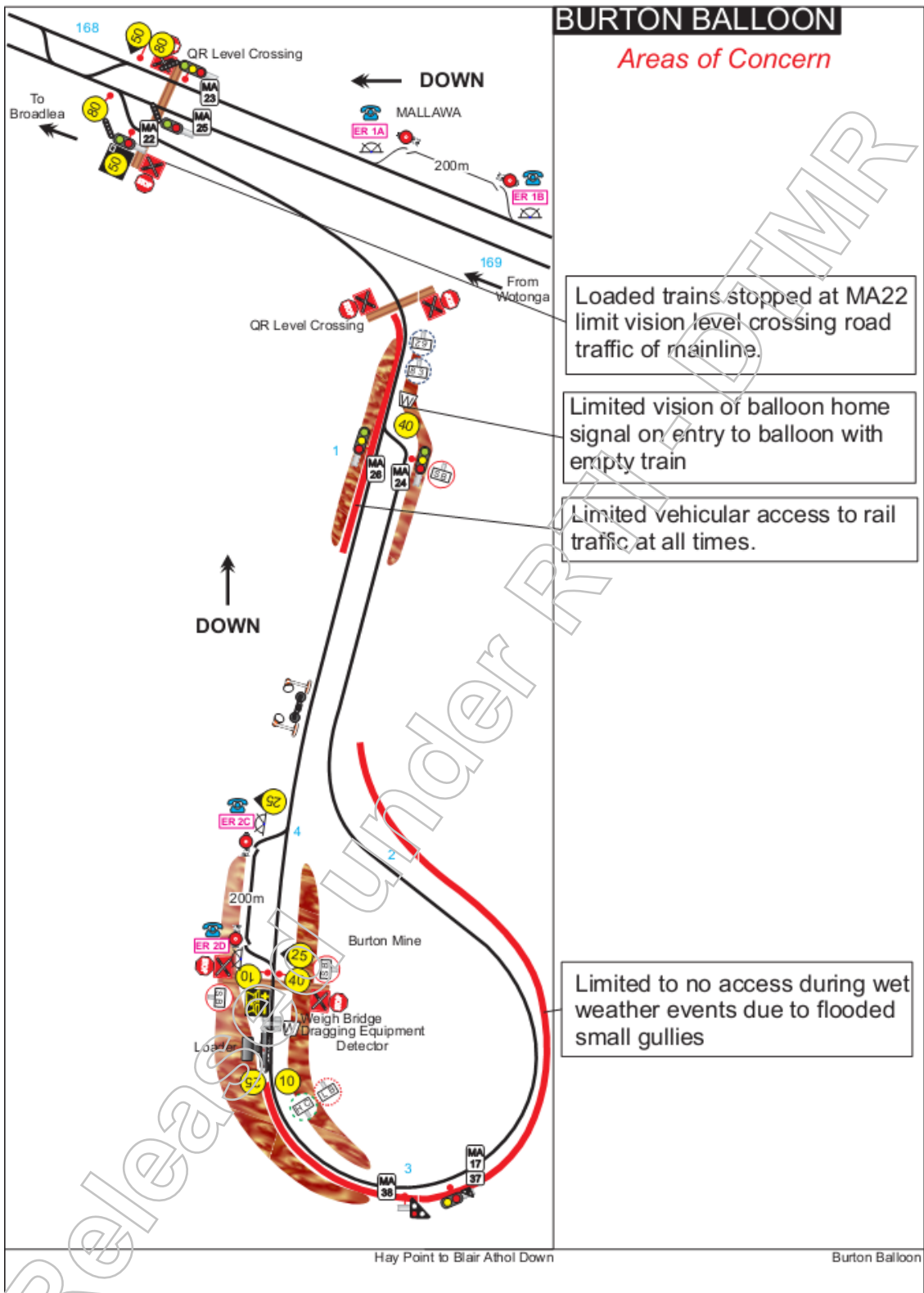
No access in or out of mine trackside access roads during wet weather events. Flooding occurs at Slab Ck, Burton Mine Access Rd and Isaac River at Watonga Access Rd

Steep loading terrain. Train parting has occurred in this location due to poor train handling.

Long push using distributed power independent control to control speed before locomotive low speed system becomes active, due to distance MCB magnets are from train loadout facility.

Trackside access limited during wet weather events.

Hay Point to Blair Athol Down Isaac Plains Balloon



BURTON BALLOON

Areas of Concern

Loaded trains stopped at MA22 limit vision level crossing road traffic of mainline.

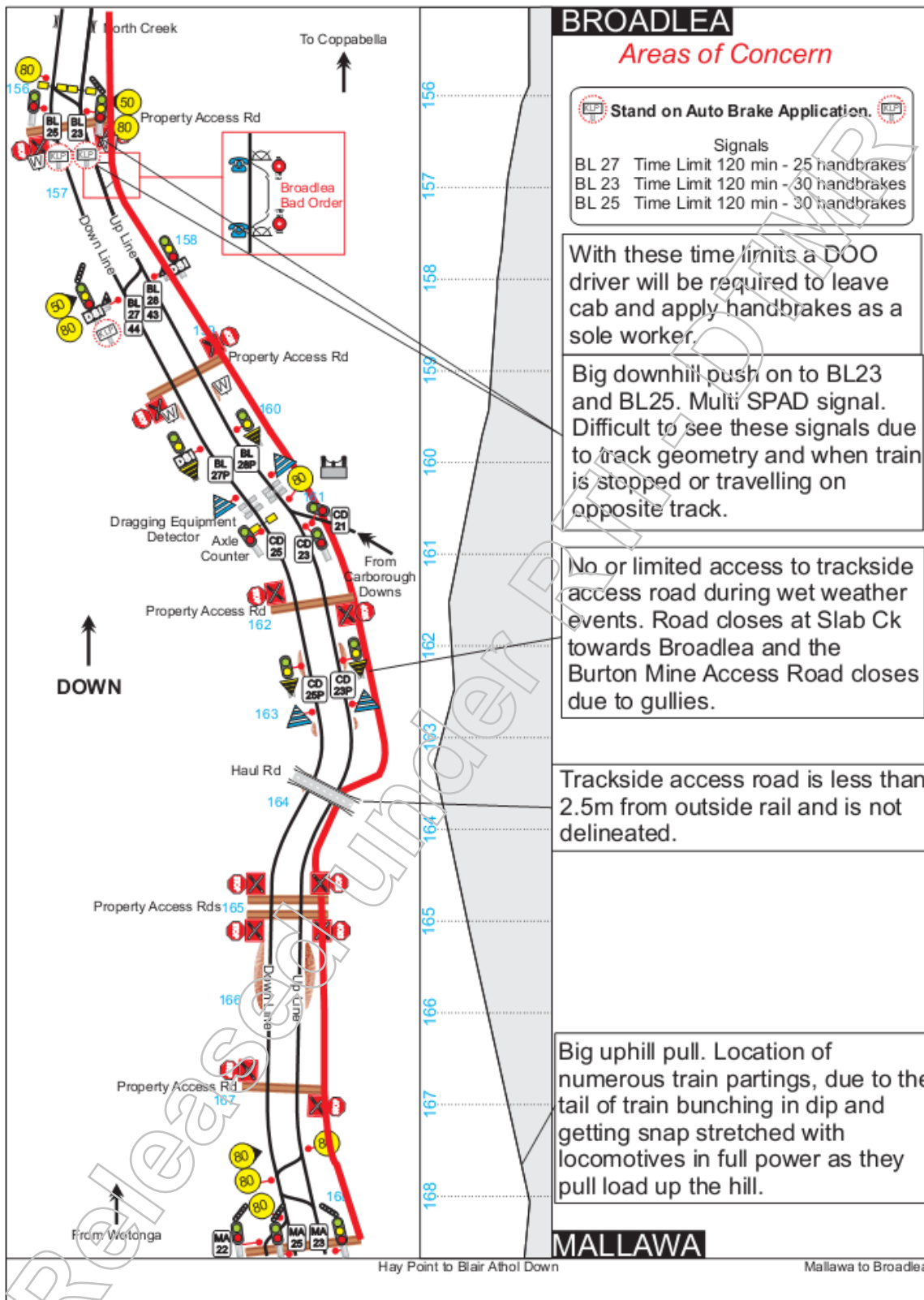
Limited vision of balloon home signal on entry to balloon with empty train

Limited vehicular access to rail traffic at all times.

Limited to no access during wet weather events due to flooded small gullies

Hay Point to Blair Athol Down

Burton Balloon



BROADLEA

Areas of Concern

Stand on Auto Brake Application

Signals

- BL 27 Time Limit 120 min - 25 handbrakes
- BL 23 Time Limit 120 min - 30 handbrakes
- BL 25 Time Limit 120 min - 30 handbrakes

With these time limits a DOO driver will be required to leave cab and apply handbrakes as a sole worker.

Big downhill push on to BL23 and BL25. Multi SPAD signal. Difficult to see these signals due to track geometry and when train is stopped or travelling on opposite track.

No or limited access to trackside access road during wet weather events. Road closes at Slab Ck towards Broadlea and the Burton Mine Access Road closes due to gullies.

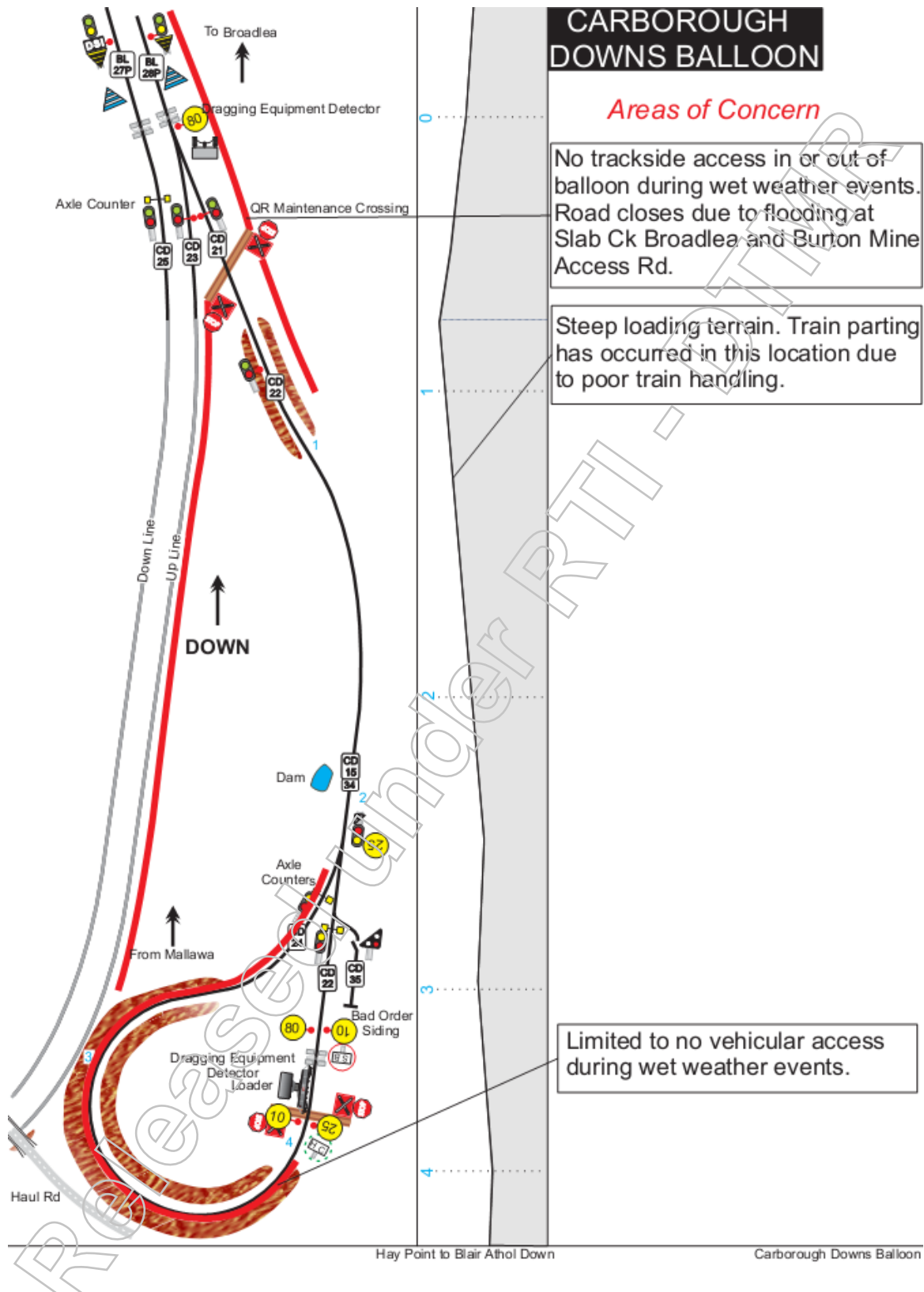
Trackside access road is less than 2.5m from outside rail and is not delineated.

Big uphill pull. Location of numerous train partings, due to the tail of train bunching in dip and getting snap stretched with locomotives in full power as they pull load up the hill.

MALLAWA

Mallawa to Broadlea

Hay Point to Blair Athol Down



CARBOROUGH DOWNS BALLOON

Areas of Concern

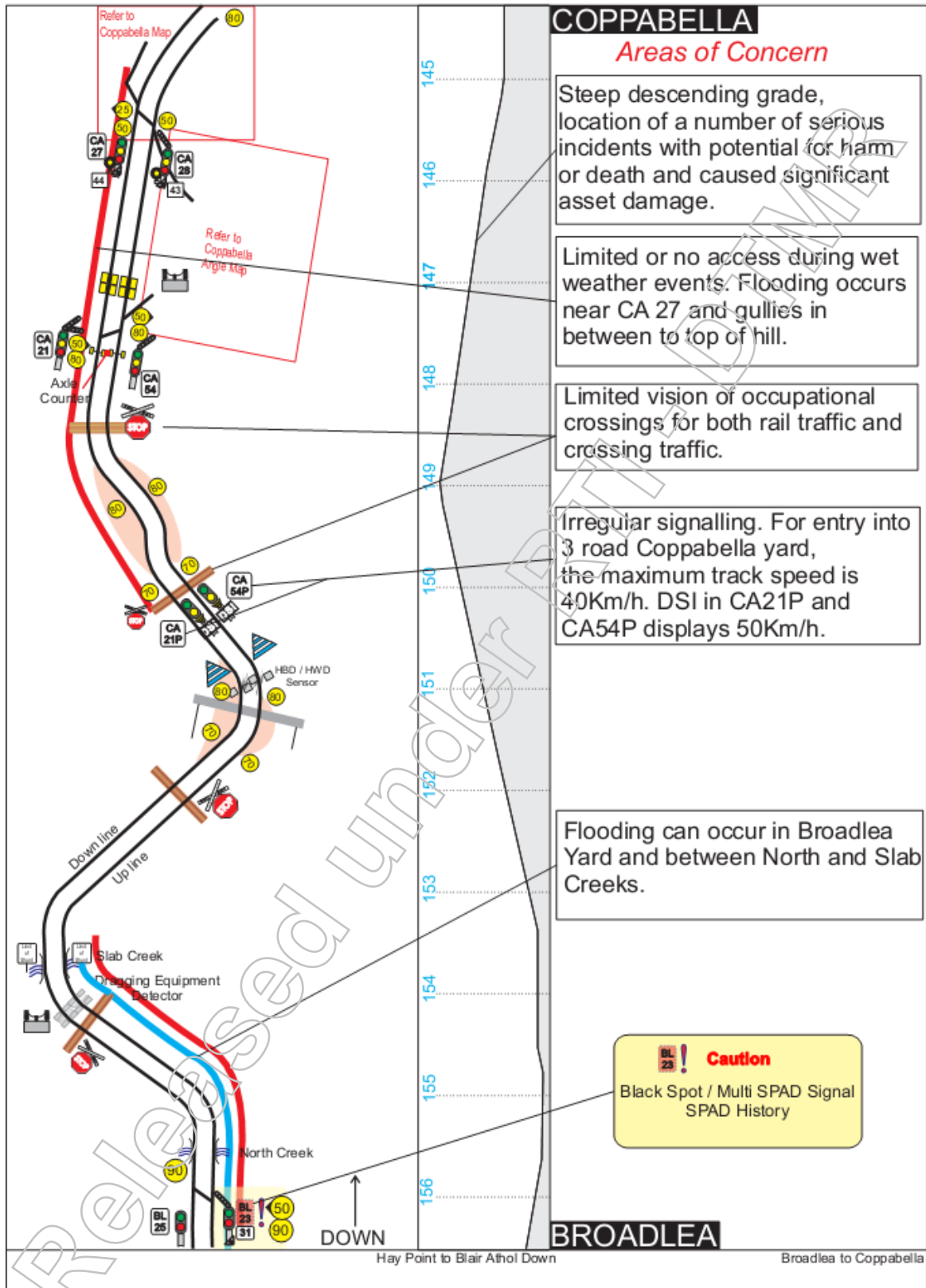
No trackside access in or out of balloon during wet weather events. Road closes due to flooding at Slab Ck Broadlea and Burton Mine Access Rd.

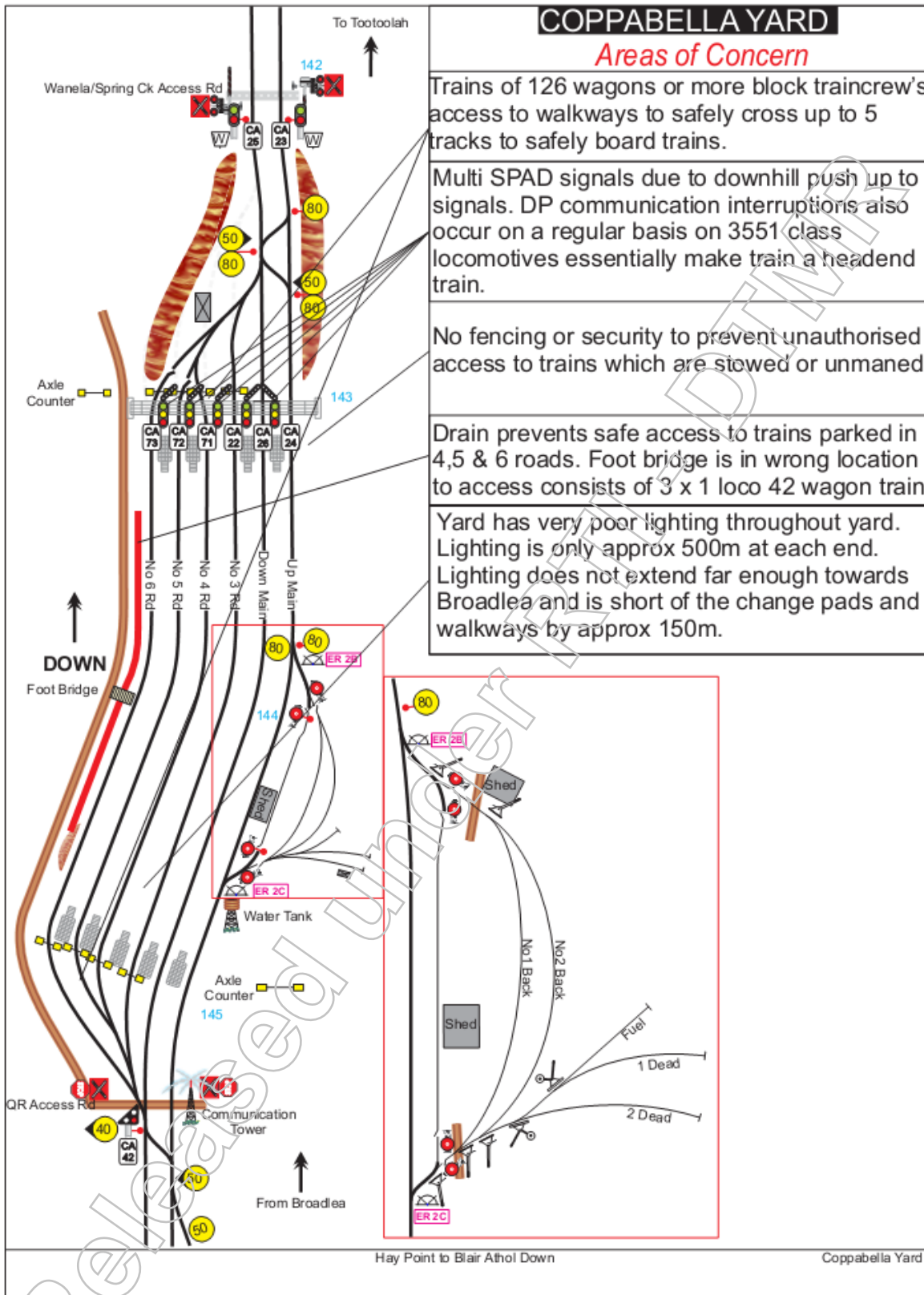
Steep loading terrain. Train parting has occurred in this location due to poor train handling.

Limited to no vehicular access during wet weather events.

Hay Point to Blair Athol Down

Carborough Downs Balloon





COPPABELLA YARD

Areas of Concern

Trains of 126 wagons or more block traincrew's access to walkways to safely cross up to 5 tracks to safely board trains.

Multi SPAD signals due to downhill push up to signals. DP communication interruptions also occur on a regular basis on 3551 class locomotives essentially make train a headend train.

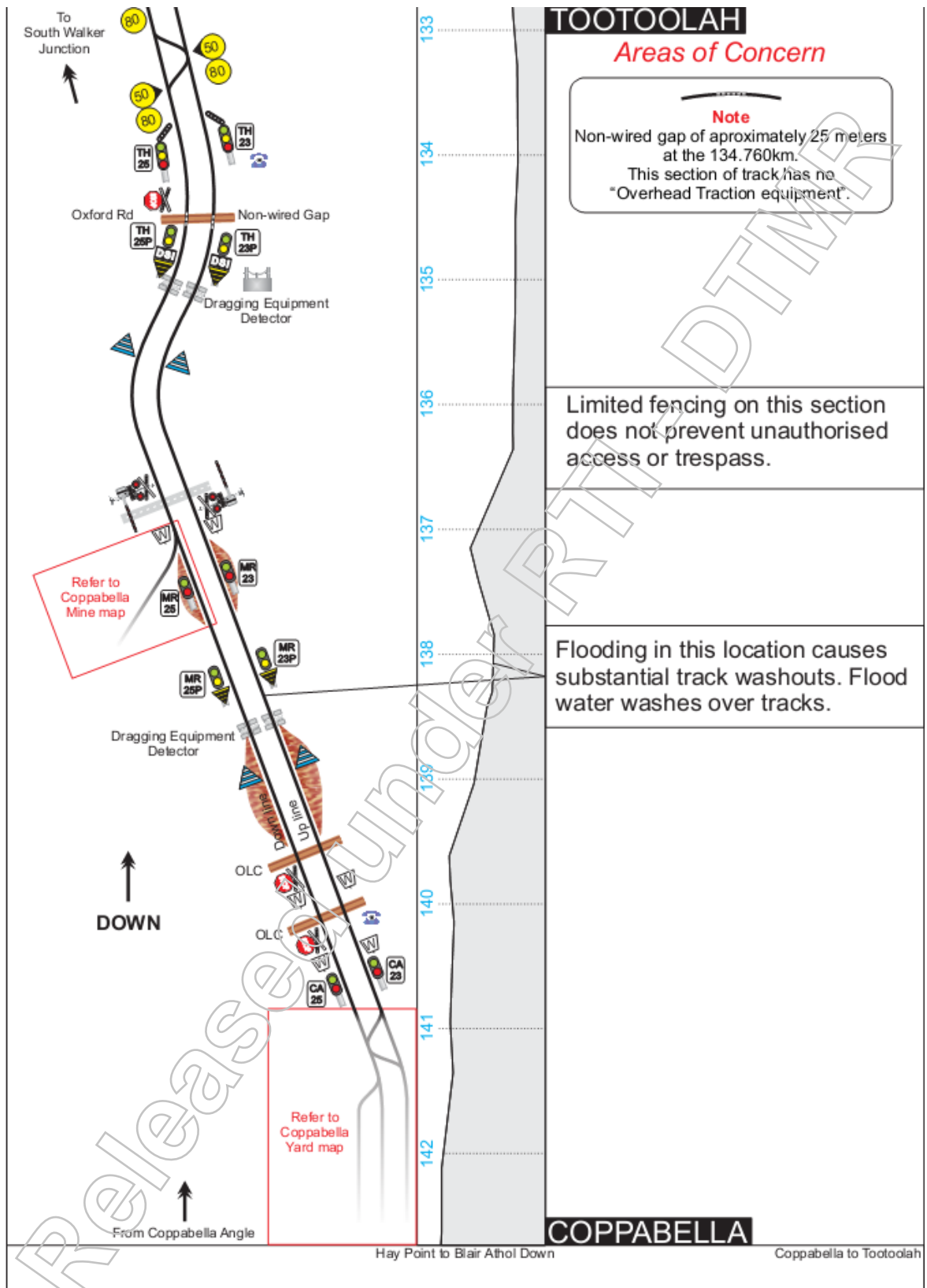
No fencing or security to prevent unauthorised access to trains which are stowed or unmaned

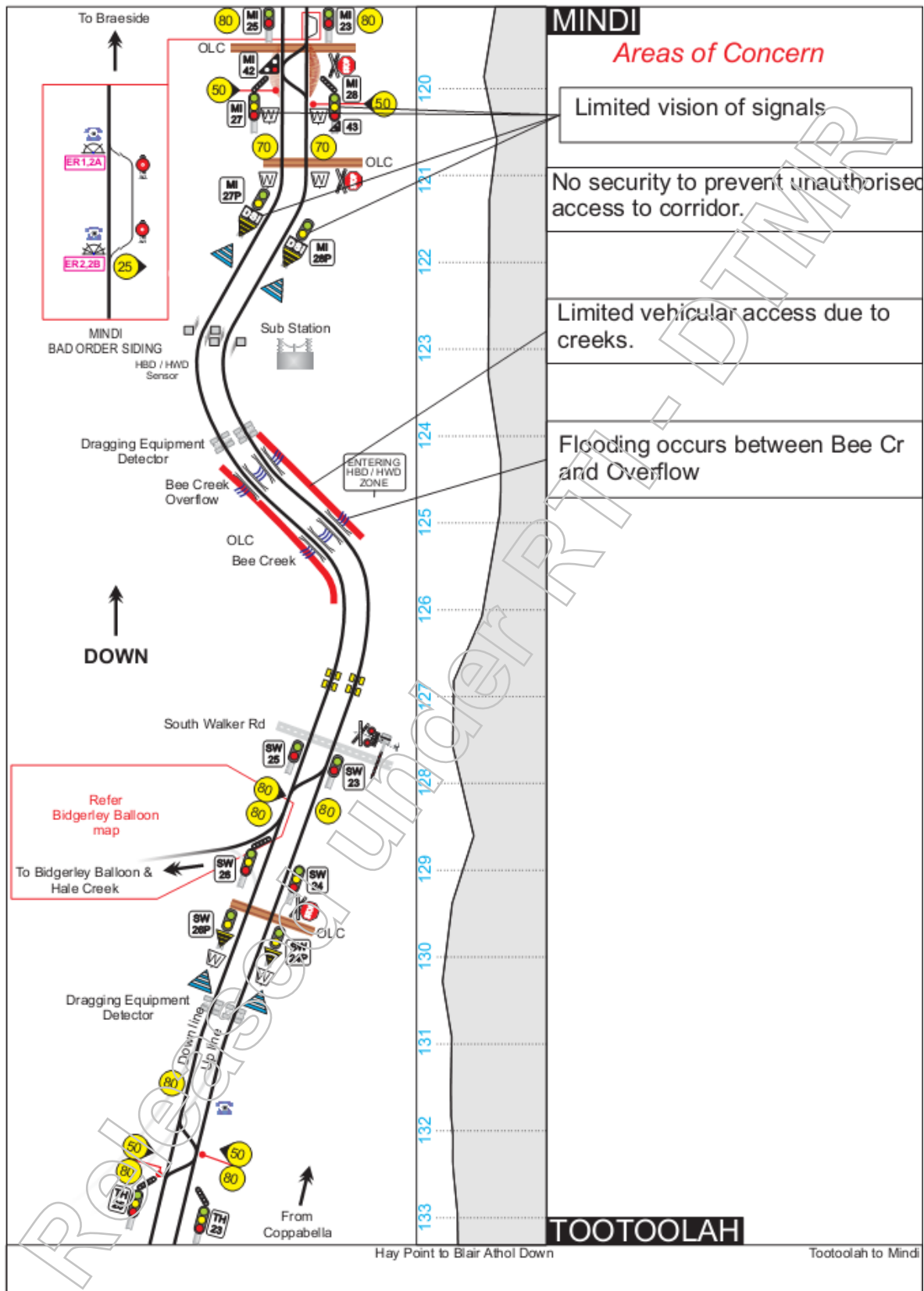
Drain prevents safe access to trains parked in 4,5 & 6 roads. Foot bridge is in wrong location to access consists of 3 x 1 loco 42 wagon train

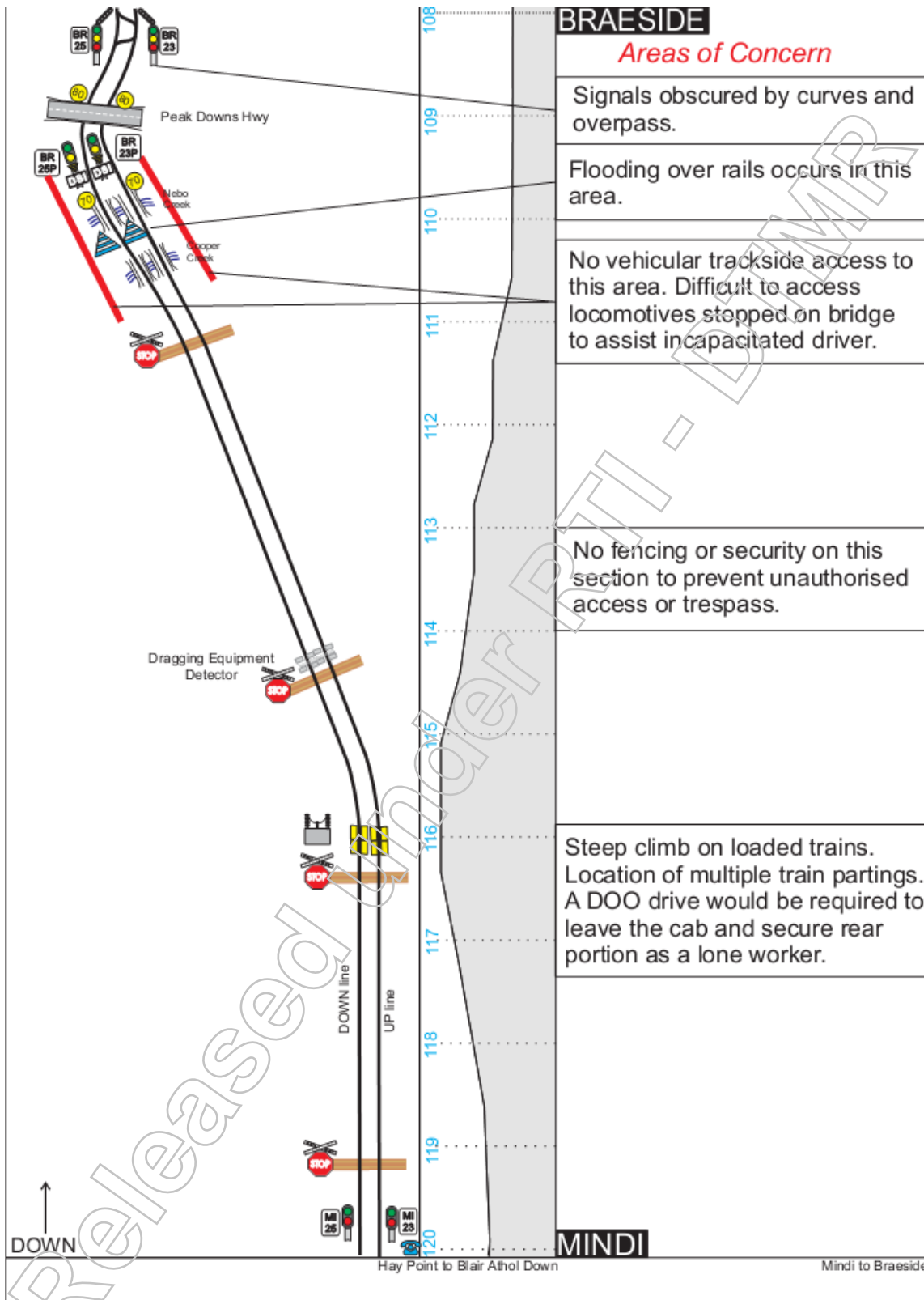
Yard has very poor lighting throughout yard. Lighting is only approx 500m at each end. Lighting does not extend far enough towards Broadlea and is short of the change pads and walkways by approx 150m.

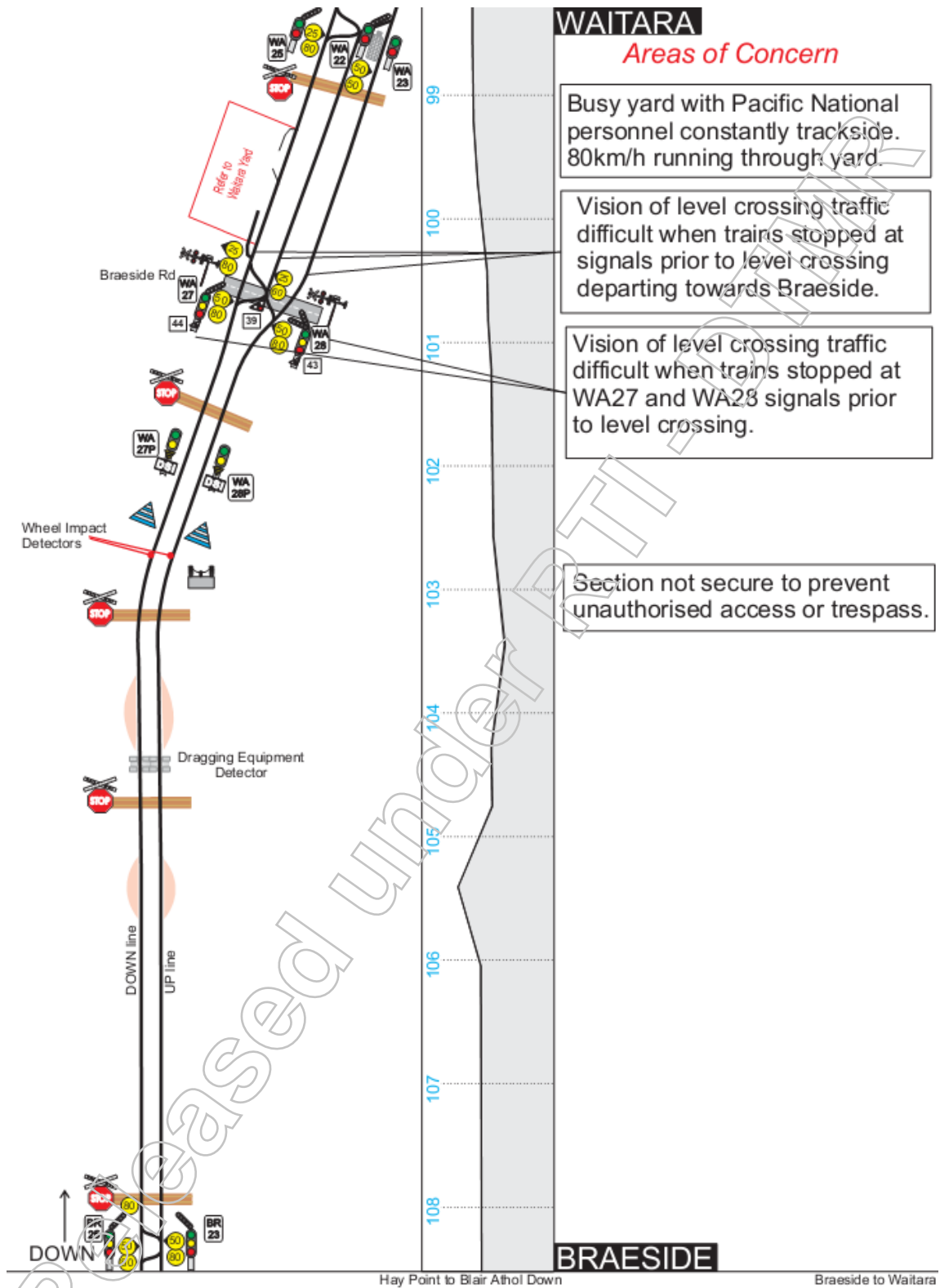
Hay Point to Blair Athol Down

Coppabella Yard









Trackworkers

One of the most recent wake-up calls for the Rail Industry in Queensland was the double rail fatality, Mindi, 7 December, 2007.

The precursor to these fatalities was provided on the 20 July 2007, at Peak Downs.

Both these incidents were investigated by the Department of Transport, with recommendations implemented as a result.

Certainly, we can say, nearly nine years on, there have been improvements in respect to the safety systems in which below Rail Workers operate on a daily basis.

On saying that, there have also been several significant changes in the way Queensland operates in both above rail but also below rail activities.

Rail Companies that did not exist in 2007 are now common place and operate daily in the coal corridor.

Above rail, now has three competitors operating on the Goonyella system, BMA, PN Coal and Aurizon, all trying to achieve a competitive advantage.

Below rail, Aurizon, Rhomberg Rail, John Holland, CR Rail, ACCELL – delivering mainly TLI training, Rail Futures – Track Inspections, RailCom – Rail welding, and TPS (track protection services) – and others, all trying to achieve a competitive advantage.

As a result of the Peak Downs Incident and more so Mindi there had been an increased focus on ensuring that Queensland Network Rules and Procedures, (previously known as Standard 0038 Track and Trackside Protection) had an overhaul from a risk management perspective.

The final report and subsequent recommendations from the Mindi Fatality became the catalyst for the way in which track protection is still conducted today, with little or no re-evaluations of the way in which below rail workers operate to ensure separation between Rail Traffic (plant) and workgroups.

Some of the key findings are outlined on page 56 of the final report of the double fatality at Mindi, wherein it speaks about a safety spot light number 99 after the fatalities.

It required a work instruction or Job Safety Analysis (JSA) to clearly define control measures for the separation of workers and plant (rail traffic) to be available and communicated onsite at a pre-start briefing to ensure clear understanding by the workgroup.

Section 4.0 of the same report, “Recommended Safety Actions” Page 82, Part 6 also provides that QR now AZJ conduct a risk assessment and implements its findings to ensure separation between Trackworkers and trains when operating on the same track section at the same time.

Going back to the report and on the day, a simple hazard was missed and that was the sound of the forward facing pneumatic horn fitted to MMA 59 and the passage of the coal

train EG53 and the level of track noise to counteract the effectiveness of the track machine warning system.

Simple but effective control measures contained in Part 3, 3.2.10, 3.3.2, 3.3.6, 3.4.2 may well have in hind sight altered the day now known as Mindi.

Current Safety Systems

Currently, there are four systems that below rail workers operate under for their safety.

1. Lookout working (lookout maintaining continual vigilance with minimum sighting distance and a safe place, being able to warn workers to be in safe place 10 seconds before rail traffic arrive)
2. ABS (Absolute Signal Block) (relies only on signals being held at stop)
3. TOA (Track Occupancy Authority) (infield protection)
4. TWA (Track Work Authority)

ABS working fundamentally rely on Rail Traffic not entering a worksite by simply observing a red aspect, at the signal preceding the worksite.

The same can be said for TOA working, unless the track has been made unsafe or there is an obstruction on the track, it is only then that a system will be put in place that protects and separates people from plant. This system is more about protecting plant as a result of broken track or obstructions rather than people.

The highest form of protection for below rail workers is a TWA, this system protects the workgroup from Rail traffic as it is designed to have points set and locked away from the workgroup, but also has other measures such as red boards, detonators set at healthy distances from the work group.

It is important to understand the difference between points secured and points clipped and locked:

Points secured

Points secured means that the points are set and computer locked by the Network Control Officer.

The points are secured facing away from the worksite. This is an administrative control.

Points clipped and locked

Points clipped and locked means that the points are secured and clipped and padlocked out in the field by a competent worker.

This is an isolation control.

When points are clipped and locked, the Network Control Officer cannot move the points.

When points are clipped and locked, rail traffic cannot enter the worksite.

To our knowledge, Aurizon has not conducted any risk based approach for the below rail workers with the current proposal for Driver Only Operation without the need for any train stop technology.

Aurizon has sought to allow the existing control measures to continue and rely on below rail workers to conduct work place risk assessments to determine the level of track protection.

They have not applied any risk based approach or sought to have any communication with below rail workers on this change.

Nor have they even advised of a system wherein the below rail workers would be aware whether trains would be on the same section of track that they are working and what crew configuration they would be working.

In the view of the RTBU there is a clear breach of the various obligation of the company, Aurizon, in respect to the Rail Safety Legislation and also the Workplace Health and Safety legislation.

To suggest that, an alteration from two driver, to a single driver operation, without a system to stop a train after passing a red aspect is not significant and has no risks associated for below rail workers, is falling into a situation wherein the lessons from both Peak Downs and Mindi have been lost.

Similar to both QR and the workers on the day of Mindi not understanding that a simple risk such as a passing train simultaneously as a reversing warning system on a track machine could not be heard and not risk assessed or even thought about, is similar to the proposal from Aurizon today.

This was a risk that would have occurred many times and days before 7 December, 2007, but was never considered by the company and subsequently the workers.

It is our view as the Union that represents the workers who work in below rail and who represented those workers at Mindi, a risk assessment involving our members, should be conducted.

This risk assessment should provide that in situations wherein DOO is in operation without Train stop technology, the highest protection available under Queensland Network Rules and Procedures should be implemented as a mandatory requirement that is a Track Working Authority.

Lessons from other Jurisdictions

The RTBU note a report from the International Transport Federation where it advised us that attitudes to safety in the United States have tightened significantly in recent times following some significant accidents, well publicised in the media. US regulators have taken a prudent view of DOO in issuing the following to railway companies. These

recommendations relate to traincrew size, operating, testing and classification procedures, system-wide evaluations of security and safety plans, as well as risk mitigation.

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Part III
Department of Transportation
Federal Railroad Administration
49 CFR Part 218

Train Crew Staffing; Proposed Rule

FRA proposes regulations establishing minimum requirements for the size of train crew staff depending on the type of operation. A minimum requirement of two crewmembers is proposed for all railroad operations, with exceptions proposed for those operations that FRA believes do not pose significant safety risks to railroad employees, the general public, and the environment by using fewer than two-person crews. This proposed rule would also establish minimum requirements for the roles and responsibilities of the second train crewmember on a moving train, and promote safe and effective teamwork. Additionally, FRA co-proposes two different options for situations where a railroad wants to continue an existing operation with a one-person train crew or start up an operation with less than two crewmembers. Under both co-proposal options, a railroad that wants to continue an existing operation or start a new operation with less than a two-person train crew would be required to describe the operation and provide safety-related information to FRA. However, proposed Option 1 includes an FRA review and approval period lasting up to 90 days while Option 2 proposes permitting such operations to initiate or continue without a mandatory FRA review and approval waiting period or while such review is taking place. For start-up freight operations with less than two crew members, proposed Option 2 also requires a statement signed by the railroad officer in charge of the operation certifying a safety hazard analysis of the operation has been completed and that the operation provides an appropriate level of safety.

The above provides an instructive backdrop to the way other jurisdictions are considering the best ways to manage the risks we are being presented with in Australia.

Conclusion

It is incumbent on Aurizon to provide a safe system of work. In doing so it must abide by the clear safety legislation when it proposes to make changes to its operation. In doing so it also must take some fundamentally important and well understood activities including:

- Make the proper investigations and ensure its proposal is unambiguous;
- Clearly outline its plan to mitigate obvious risks;
- Ensure hazards are clearly documented and sensibly managed;

- Undertake reasonable consultation with affected stakeholders;
- Give those stakeholders a reasonable chance to be heard and affect the outcome;

In normal circumstances such an approach when taken seriously provides as an outcome a proposal capable of safe implementation which meets with acceptance from stakeholders.

In this case Aurizon has comprehensively failed in its obligations. The RTBU is gravely concerned that the Aurizon proposal contains several errors in terms of matters it has simply not considered properly.

Further, we believe it has failed to properly comprehend and document obvious hazards. Finally, Aurizon appears to have ignored the reasonable representations made by local representatives who have attempted to highlight obvious hazards.

Aurizon has failed to demonstrate the safety of the network, other operators, the public and their employees during this process.

The RTBU believes it would be prudent and proper for the regulator to dismiss the applicant's proposal until Train Stop technology is installed.

Released under RTI - DMR

Pages 71 through 73 redacted for the following reasons:

Refuse Sch.4 Part 4 s.7(1)(c) Business/commercial/professional/financial affairs

Released under RTI - DTMR