

OFFICE OF RAIL SAFETY — PINJARRA DERAILMENT

3029. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport:

I refer to the Minister's answer to question on notice No. 2719, and ask:

- (a) what role did the Office of Rail Safety have in investigating this accident;
- (b) why are some rail safety reports made public and others are not; and
- (c) what criteria are used in determining which reports are made public?

Hon Jim Chown replied:

- (a) The Office of Rail Safety (ORS) directed the two rail transport operators involved to undertake a joint investigation and provide a report. Since receiving and reviewing the operators' report the ORS has been in communication with relevant rail transport operators and monitored their progress in addressing identified actions to improve safety.
- (b)–(c) There are three main types of investigation undertaken under the Rail Safety Act 2010. Each has different legal frameworks for collecting, protecting and using evidence and using the investigation reports. They are:
 - 1. Rail transport operator investigations undertaken by the operators involved in rail safety occurrences. Operator investigation reports are not published although sometimes an operator may agree to release a report to be published. For some more significant occurrences the Regulator may direct a rail transport operator to investigate and to provide it with a copy of an investigation report. Where there will be a safety benefit from sharing lessons learned in an operator's investigation then the ORS does issue Safety Alerts to advise other rail transport operators about specific rail safety issues including rail safety risks, findings, and causes and contributing factors.
 - 2. Compliance investigations undertaken by rail safety officers in the ORS under provisions in Part 5 - Enforcement of the Rail Safety Act 2010. Evidence collected and internal reports are not published and could be used in enforcement action. The ORS may issue a Safety Alert to operators.
 - 3. Independent investigations undertaken as 'no-blame' investigations under Part 6 of the Rail Safety Act 2010. Section 133 requires the report to be published, however, the Act prevents these independent reports from being used as evidence in any civil or criminal proceedings.