

ENFORCEABLE VOLUNTARY UNDERTAKING

AS PER DIVISION 6, SECTIONS 251 THROUGH 257 -RAIL SAFETY NATIONAL LAW

THE COMMITMENTS IN THIS ENFORCEABLE VOLUNTARY UNDERTAKING ARE OFFERED TO THE
OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

BY

METRO TRAINS MELBOURNE PTY LTD (ACN 136 429 948)

In consultation with Metro Trains Melbourne, some redactions have been made to this document for publication. This includes the removal of detailed financial information which would otherwise be considered commercial in confidence.

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1 INTRODUCTION

Metro Trains Melbourne Pty Ltd (**MTM**) became the franchise operator of Melbourne's metropolitan rail network on 30 November 2009. The franchisor is the Public Transport Victoria (**PTV**), which has trusted MTM to support and maintain the network, operate safe and reliable services and to ultimately provide customers with an excellent service.

MTM is committed to maintaining the safety of its employees, passengers and the broader public. To this end, 'Safety' is the first of five core values MTM focus on (with the others being 'Teamwork', 'Excellence', 'Passion' and 'Honesty'). Further to this value, MTM expects every individual within MTM to follow the correct systems and processes and also never to walk past an unsafe act or condition.

2 PURPOSE

The commitments within this Enforceable Voluntary Undertaking (**EVU**) are offered to the Office of the National Rail Safety Regulator (**ONRSR**) as an alternative to the conduct of litigation associated with a prosecution. The purpose of this EVU is to document MTM's proposed undertakings as per Section 251 of the Rail Safety National Law (**RSNL**), in connection with an incident that occurred at Laverton on 2 October 2015 to demonstrate that MTM is committed to addressing factors that could be considered causal or contributory at both the local and system levels. This proposal is submitted in acknowledgment of the seriousness of the incident.

3 BACKGROUND

3.1 Incident Overview

On 2 October 2015, a MTM track supervisor was struck by a train and suffered serious injuries (herein referred to as the **Incident**).

On the date of the Incident, MTM was the operator of the relevant railway and rolling stock and was an accredited rail transport operator for the purposes of the RSNL as it applies in the State of Victoria.

MTM has cooperated fully with the ONRSR investigation of the Incident and related matters and has fully and extensively supported the injured worker.

3.2 Continual Improvement Since the Incident

MTM is committed to the ongoing safety of its workforce.

Immediately following the incident, MTM:

- implemented an enhanced rail safety inspection regime, tied with greater monitoring and oversight of these inspections at the Executive level;
- established the 'track access working group' (known now as the Rail Safety Improvement Project), which was charged to specifically address the factors contributing to the incident;
- reviewed all content relating to the Track Force Protection Co-ordinator track safety training courseware;

- carried out relevant incident briefings within the Infrastructure division to ensure immediate learnings from the incident were communicated; and
- established and communicated expectations to all staff involved in track-safety.

Subsequent to the Incident, MTM:

- commissioned an independent review (and actioned findings), the scope of which included:
 - undertaking a detailed track worker safety culture survey (involving contractors as well as employees);
 - benchmarking safety performance data;
 - reviewing all track work processes;
 - reviewing governance and risk arrangements; and
 - assessing safety campaigns,
- improved MTM’s track access system to better support pre-planning, and a dedicated resource to support pre-planning;
- created line-speed maps to support improved planning of track worksite protection;
- established a ‘Enhancing Safe Behaviour’ (Just Culture) model, which provides the capability to retrospectively assess individual behaviours and their contribution to an incident, to support the appropriate response / actions for the individual involved and also focus on responses to the manager;
- conducted an initial internal assessment of MTMs Rail Management Maturity using the Office of the Rail Regulators (United Kingdom) Rail Management Maturity Model, with results being used to support business plan and strategy development;
- carried out (and continues to carry out) random safety reset activities within Infrastructure division to constantly remind staff about the focus on safety; and
- implemented improved safety critical communications training for the Track Access Desk, Track Fault Centre, Building Fault Centre, Electrol and Metrol, which also includes supervisor training to support coaching and monitoring (internal resource cost).

Redacted

4 DETAILS OF THE ALLEGED CONTRAVENTION

The ONRSR has completed a compliance investigation into the Incident and filed for prosecution against MTM on 28 September 2017.

The charge sheet alleges breaches of the following sections of the RSNL:

- Section 52(2)(a) and 59
- Section 52(2)(f) and 59
- Section 52(3)(c) and 59
- Section 101(1)

5 ADDRESSING THE ALLEGED CONTRAVENTIONS

MTM is committed to continuous improvement, and seek to address any systems failure which underlie the charges from the ONRSR. MTM recognises that to implement enduring change and

improvement, there is a need to focus on people, environment and organisational factors, and the specific systems and processes used.

To this end, MTM has committed to undertakings herein which address the systems and processes involved in the Incident, identify and address organisational and culture changes and also focusses on providing training, tools, and support to individuals (both front-line and supervisory). These undertakings are described in detail in section 8. In addition to these factors, MTM is committed to sharing learnings with the Australian Rail Industry, and providing tools for the industry to help prevent their own incidents.

6 OPERATION OF THE ENFORCEABLE VOLUNTARY UNDERTAKING

This EVU comes into operation on the date upon which the ONRSR formally accepts it.

MTM is committed to providing the ONRSR with updates on this EVU on a basis suitable to the ONRSR. MTM will:

- report against its progress on the matters set out in this EVU to the ONRSR Branch Director of Victoria on a minimum frequency of bi-monthly (unless otherwise arranged with the ONRSR Branch Director of Victoria);
- provide suitable evidence to the ONRSR at the completion of defined activities (to this end, it is understood that the ONRSR may choose to undertake compliance monitoring activities to verify the evidence provided by MTM); and
- work with the ONRSR to identify and appoint (at MTM's expense) a suitable independent party to monitor and review this EVU, and to provide the ONRSR with updates as required. This independent party will have full oversight and access to all components of this EVU delivery, including specific project plans associated with commitments.

MTM will discuss with the ONRSR an appropriate means to confirm the closure of undertakings contained within this EVU. MTM will ensure that all resource costs associated with this undertaking are appropriately tracked.

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A final report to close-out this EVU will be provided by MTM to the ONRSR within 3 months of the final milestone (note that the final EVU milestones are December 2019).

7 UNDERTAKING DEVELOPMENT

This EVU has been developed in consultation with Company Directors, MTM Executive, Infrastructure Management and Supervisory teams and Safety Professionals across the MTM organisation.

Further, input into activities has been gained through engagement with MTM Health and Safety Representatives (**HSRs**), third party suppliers and Track Force Protection Coordinators (**TFPCs**). This

has included engagement at quarterly HSR forums hosted by MTM’s CEO and also through a specific TFPC workshop held to better understand and address concerns from front-line staff in regards to safety.

8 UNDERTAKINGS

The undertakings presented cover system improvements, cultural improvements, and sharing MTMs experience and knowledge with the broader industry. The undertakings have adopted a systems approach, where it is the combination of activities that, when combined, will lead to an improved overall safety outcome.

By December 2019, the activities described in this EVU will result in:

- The elimination of look-out only protection use in red-zone areas (where work is performed in the danger zone).
- Achieve a risk-based compliance rate of 85% to established safeworking processes.
- A 10% reduction in personnel exposure to live running trains year on year.

These outcomes provide evidence that the initiatives contained in this EVU have provided positive safety outcomes for individuals who work on track, and are objective in nature. These outcomes will be achieved through the systems approach MTM have adopted (i.e. the combination of systems and culture improvements).

These outcomes will provide confidence to MTM and the ONRSR that the issues which underlie the charges have been sufficiently and adequately addressed.

Redacted

8.1 System Improvements

8.1.1 SAFETY OUTCOMES

Ensuring robust, effective, and accessible systems are in place is fundamental to achieving strong safety outcomes. This is particularly true with respect to on-track work and ensuring that the workers are protected from train movements.

By improving systems, and in particular by enhancing planning and making systems more accessible and easier to apply, there will be increased compliance leading to improved safety performance. This will support a reduction of incidents and near misses, particularly in the area of serious safeworking breaches resulting from incorrect worksite protection.

8.1.2 TANGIBLE ACTIVITIES

MTM has identified that a source of risk relates to the planning and programming of track work in the rail corridor. MTM will eliminate the use of look-out only protection for danger zone works in

‘red zone areas’, improve planning of worksite protection, provide enhanced worksite protection methods, and introduce digital technologies to support worksite protection.

Specifically:

- ‘Red Zone’ Introduction
 - ‘Red zone’ areas are those which have factors that, if not mitigated, could place the workers at a higher level of risk. Factors to be considered would include whether junctions are nearby, traffic density, ease of access to the worksite, etc.
 - MTM has already created an initial map of the network identifying red zone areas which is currently based on subject matter expert input. To improve this, MTM will establish criteria which will define red zones (e.g. track speed, access, visibility), undertake a network wide survey to define all red zones, and produce a red-zone map available for use and a process to continually review and update the red-zones.
- Improved planning – playbook introduction
 - MTM will develop ‘playbooks’ for all identified red zones. A playbook is a bespoke worksite protection plan which has defined limits, identified hazards and constraints, and other information which may be pertinent to the worksite. These will be available for use for both planned and reactive works.
 - These playbooks will create a higher level of consistency in worksite protection in red zone areas, reduce the potential for error, and increase the level of safety.
 - These playbooks will not allow the use of lookout only protection in red zones when work is in the danger zone.
- Alternative protection options – Absolute Signal Blocking and Signalling Disarranged
 - Absolute Signal Blocking (**ASB**), a worksite protection option not currently used on the MTM network (or in Victoria), sets the signals around the worksite to ‘stop’, thereby leveraging the signalling system and train stop enforcement as protection. MTM will introduce this form of worksite protection on its network, and training will be provided to all relevant workers.
 - In addition, because of their specialist skillset Signal Maintenance Technicians (**SMTs**) will be given a tailored safety access protocol – Signalling Disarranged – to increase the efficiency worksite protection. Signalling Disarranged is similar to ASB in application, and draws on the SMT skills to support application.
- TFPC Competency and Capability Approach
 - MTM will introduce a ‘restricted’ and ‘unrestricted’ categorisation of TFPCs, where a restricted TFPC will not be able to carry out duties in red zone (except when under instruction / training).
 - Commensurate with this, MTM will establish clear competency criteria to progress from restricted to unrestricted categorisation.
 - This approach will ensure that a TFPC performing duties in red zone areas have an appropriate level of experience in their role.
- Digital rail safety assessment
 - MTM will introduce a system whereby the existing paper-based approach to rail safety hazard worksite protection forms will be transferred onto a digital medium.
 - By transferring to a digital approach, opportunities like automatic submission and record keeping, ability to remotely review protection arrangements, opportunity to retrospectively audit for quality documentation, and support for demonstration of competency of TFPCs may be afforded.

- The existing paper-based forms will still be retained, and may be used where the digital technology has failed (e.g. dropped tablet) or is unavailable for use (e.g. if it relies on wireless communications, then it may not be able to be used in some cuttings where there is no signal).

8.1.3 DELIVERY METHOD

The programs will be delivered largely through specialist resourcing and working parties, with external agencies contracted to support delivery of technology and software related activities (e.g. app development). Throughout the delivery of the undertakings, workers will continue to be consulted and provide input into proposed system changes to ensure optimal outcomes are achieved.

Associated with the system changes will be the necessary training or briefings to be provided to the relevant employees to implement the new system. Consideration will be given to modalities such as tool-box talks, formal training programs for employees, one on one briefings, virtual reality, and e-learning. This training (or briefing) is considered part of the delivery of the above commitments.

Detail redacted.

Estimated total costs for system improvement activities exceeds \$2 000 000.

8.2 Organisational Safety Culture

8.2.1 SAFETY OUTCOMES

The initiatives below will enhance MTM's culture of safety. This is one where safety concerns can be freely raised, peers can be challenged on their behaviours and approach to work, and managers and supervisors constructively receive and appropriately act on safety concerns. This will contribute to an overall reduction in safety risk, through reduction of hazards, improving quality of work activities (including compliance with established systems), and learning and implementing new practicable controls to mitigate safety risks.

8.2.2 TANGIBLE ACTIVITIES

There are several initiatives which will collectively drive improvement in the culture of safety of the organisation. Each of the activities articulated below fit within the banner of 'Speak up for Safety'.

Specifically:

- Safety Branding
 - MTM currently have 'MetroSafe', which has strong identification across MTM. However, aligning this brand and what it stands for across MTM is not as clear.

- MTM will seek to develop (or re-invigorate MetroSafe), in consultation with front-line workers, a safety 'brand' which will be used throughout MTM and future safety campaigns and programs.
- Examples from other organisations include "Leading Home Safely" and "Towards Zero", and "Speak Up For Safety" was used during MTMs Safety Week for 2017. These give rise to a vision and goal to achieve.
- The outcome of this will provide a clear vision for safety within MTM. It will allow for a range of safety activities to be tied to a single united vision. This will be used in future communications and safety promotions.
- Focus on TFPC Accountability
 - Ensuring that every TFPC's accountability is clear (both to themselves and to the workgroup) is critical to ensure safe outcomes on a worksite.
 - To further support TFPCs, a 'real time' support/advice service will be provided to assist personnel with in-field queries, resolution on disputes and any other safety or task related concerns.
 - TFPCs will have their authority and accountability made clearer on a worksite through the introduction of a special coloured hard-hat with the letters "TFPC" affixed in reflective material on the sides. This ensures that all individuals on a worksite understand who is accountable for worksite protection.
 - Similarly, look-outs will be given suitable adornments to clearly delineate when they are acting as look-outs. This will ensure there is no confusion between their role and the TFPC, and also serve to remind the look-out of their own responsibility when wearing the adornment.
 - Naming conventions for worksite roles will also be clarified, ensuring that the TFPC defined for the work is clearly identified as the primary accountable person for worksite protection, and the individual that everyone needs approval from to access the danger zone. This will eliminate confusion when there are multiple qualified TFPCs on a given worksite (but only one acting as a TFPC).
 - All on-track workers will receive appropriate briefings to ensure they understand the role and accountability of a TFPC, and that only the defined TFPC is permitted to allow a worker access to the danger zone. This will also be incorporated into MTMs training material provided to employees who may enter the rail corridor.
- Human Factors Review of Safeworking Processes
 - A detailed and comprehensive review of all procedures relating to Safeworking and Track Worker Safety will be carried out. This will be focused on ensuring that there is clear delineation around roles and responsibilities of TFPCs and Work Group Supervisors (**WGSs**). A specific focus will be on ensuring clarity around their authority, and ensure they are confident to make decisions on the worksite.
 - The review will also result in simplified and streamlined processes being developed. This could take the form of a TFPC specific guidebook (which amalgamates the range of associated processes which discusses responsibilities of TFPCs), or may alter / integrate the processes themselves.
 - The outcomes of this review will be communicated to all necessary MTM employees, third parties, and contractors. An associated communication plan will be developed, and may include tool-box style briefings, posters, videos, embedding in training, etc.

- TFPC Forums
 - MTM recognises that to understand the issues associated with TFPC and worksite protection, that they must engage with TFPCs on a regular basis.
 - MTM will hold 4 forums over the next 2 years, each a minimum of half a day. The agenda will include briefing about key changes, upcoming changes, and an opportunity to engage with and gather feedback from TFPCs. All issues and opportunities raised will be noted, with the TFPC forum attendees receiving a timely response from MTM.
 - The forums will be facilitated by an individual(s) who is independent to TFPC activities to avoid any subject matter expertise bias.
 - *Note: An initial forum has already been held in August 2017, and attended by 30 workers (contractors, staff, third parties). This forum, and its outputs, has aided the development of this EVU.*
- Safety Escalation Pathway
 - MTM has a variety of safety escalation pathways available to all employees. These include direct communication with managers and supervisors, through to independent and anonymous reporting methods.
 - MTM will develop and implement a strategy to further communicate established channels of safety escalation.
 - Communication will be achieved through posters, internal communication pathways (e.g. monthly MTM magazine), intranet, and similar. This will be complete within 6 months of this EVU acceptance.
 - This will ensure that all employees better understand how to appropriately raise safety issues, and how to escalate as necessary. A key element of the strategy will include CEO and Executive endorsement and encouragement to escalate safety matters.
- Enhancing Safe Behaviours – Phase 1 (Just Culture and Incident Investigations)
 - MTM’s ‘Enhancing Safe Behaviours’ training program provides a framework and supporting tool to assist leaders and managers to consistently and fairly manage behaviours associated with safety incidents. The training program encourages all leaders to acknowledge the limitations of human performance, including intentional versus unintentional behaviours and supports them to apply fair and just outcomes accordingly.
 - This has already been piloted in MTM Infrastructure, and was well received and effective.
 - MTM commits to a comprehensive roll-out across the organisation. This roll-out will include all front-line managers and supervisors over the course of 2017 and 2018.
 - Once delivered, the training will support managers in responding to safety issues at the broader organisational level. This will help to reduce the reported number of safe working injuries and incidents.
- Enhancing Safe Behaviours – Phase 2 (Defining Safety Behaviour Expectations)
 - A proactive safety behaviour program will be introduced in 2018, which will outline MTM’s expected safety behaviours for front-line staff and managers. These behaviours will be developed in consultation with MTM staff.
 - Once established, these behaviours will be proactively used to support staff development, development of tools to monitor and drive appropriate behaviours, and also reinforce positive behaviours.

- MTM Infrastructure will pilot the program, with learnings and experiences used to refine and improve the program overall.
- The framework will be integrated and embedded into existing safety and human resource management systems.

8.2.3 DELIVERY METHOD

The organisational culture programs will be delivered through a variety of means, including:

- Print media (posters, internal magazine articles, etc.).
- Video to be played on screens and at forums across MTM.
- Formal training through MetroAcademy.
- Tool-box and similar style briefings across MTM.
- Forum presentations (including contractor related forums).
- Safety week.

Mediums such as e-learning and virtual reality are being considered.

Every employee within MTM will receive the “Speak up for Safety” message.

Redacted

Estimated total cost for organisational safety culture improvements exceeds \$700 000.

8.3 Sharing Learnings with Industry

8.3.1 SAFETY OUTCOMES

In several different forums (e.g. industry Safety Managers Group, National Safeworking Work Group, RISSB Safety Steering Committee, ARA Rail Industry Worker forums), industry has discussed the potential to create a program to instil the relevant authority and upskill front-line staff and supervisors involved in safety critical roles (such as TFPC’s, WGS’s, train controllers, etc.). This is a common concern across many Rail Transport Operators, and relates to a variety of risks similar to those MTM are committed to mitigate through this EVU.

MTM wants to share with industry more broadly its experiences and learnings from the Incident, in hopes that MTM can contribute to other organisations mitigating similar risks and preventing incidents similar to the one MTM experienced on October 2, 2015.

8.3.2 TANGIBLE ACTIVITIES

MTM will:

- Develop an appropriate set of training materials (which draws on the learnings from the incident), aligned with the AQTF as appropriate;

- Provide these materials to industry in a suitable format. These materials would be shared via an organisation such as the RISSB, the ONRSR, ARA (appropriate forum to be confirmed); and
- Offer programs to industry on a ‘cost-recovery’ basis for a period of 1 year following development.

As this program is for industry, there are no direct associated success measures apart from delivery of the materials. It is anticipated to have a positive impact on organisations who chose to participate and adopt the program for their own workers. This program will also support the overall deliver of the National Rail Industry Safety Strategy 2016 – 2020.

8.3.3 DELIVERY METHOD

MTM shall utilise in-house specialist resources and external subject matter experts as necessary to develop and deliver the materials described. The provision of this program to industry shall be delivered by the Metro Academy.

Redacted.

Estimated total costs are \$150 000.

8.4 Rail Management Maturity Model Guidance for Industry

8.4.1 SAFETY OUTCOMES

The Rail Management Maturity Model (**RM3**) provides an objective approach to understanding the maturity of management and systems for rail organisations. The RM3 has been credited with providing significant and focused input into safety strategies within UK rail organisations. The Office of Rail Regulation state that the RM3 will support organisations in ‘achieving excellence when controlling health and safety risks’ within a rail environment.

MTM has already undertaken an initial assessment, and will carry on using the RM3 model to support business planning activities. By providing suitable guidance to the Australian Rail Industry, it will enable other Rail Transport Operators to adapt and adopt the RM3 model, and afford them the opportunity to create suitable action plans to improve the maturity of their respective organisation.

8.4.2 TANGIBLE ACTIVITIES

MTM will develop guidance material to support the adaption and adoption of the RM3 model to the Australian context, and will include experiences of MTM’s application of the RM3. MTM will provide the guidance material to the ONRSR for their use.

8.4.3 DELIVERY METHOD

MTM will use a combination of in-house specialist resources and any necessary external resources to develop and deliver on this commitment.

Redacted.

Estimated total cost exceeds \$200 000.

8.5 Program Management and Independent Monitoring

To ensure that the activities described in sections 8.1 through 8.4 are carried out on schedule and meet the intent of the activity as described, MTM will seek to appoint a program manager and a independent party to monitor these undertakings.

With respect to the independent party, MTM will identify a suitable candidate and seek endorsement from ONRSR prior to formal appointment. The independent party will be obligated to provide MTM regular reports to the MTM Executive regarding progress of the initiatives. This independent party will have full access to all detailed plans associated with each of the undertakings, along with any risks to delivery (and therefore achievement of safety outcomes). The ONRSR will shall have access to any reports produced and shall have access to the independent party on a reasonable basis if desired.

Redacted.

Attachments, schedules, and appendices have been removed.