

Rural & Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Estimates 2014 - 2015
Infrastructure and Regional Development

Question no.: 161

Program: n/a

Division/Agency: Australian Transport Safety Bureau

Topic: REPCON

Proof Hansard Page: 151 (24 February 2015)

Senator Xenophon, Nick asked:

Senator XENOPHON: Perhaps you could take on notice whether the ATSB's views would have been different if they were aware that, for three hours, the INTAS failed. I will clarify these questions on notice for you, to assist. The concern I have is that both CASA and the ATSB may not have been, for whatever reason, fully appraised of the circumstances of that night of 12 November 2013.

Mr Dolan: Happy to take it notice. The only point I would make is we did receive a REPCON on this which we looked into very carefully, including obtaining a copy of the radar tapes, and we are satisfied that there was no loss of separation.

Answer:

The answer to this question has been provided in full in the ATSB's response to question 166.

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Additional Estimates 2014 - 2015
Infrastructure and Regional Development

Question no.: 162

Program: n/a

Division/Agency: Australian Transport Safety Bureau

Topic: Canadian TSB Report

Proof Hansard Page: 152 (24 February 2015)

Senator Xenophon, Nick asked:

Senator XENOPHON: ...What I am trying to understand is this: do you consider there are inconsistencies in these statements in respect of what the Canadian TSB stated about what it appears to be relying on what the ATSB told it and evidence previously to the committee? I am genuinely just trying to understand whether there is a contradiction between the two, because on the face of it there does appear to be.

Mr Dolan: I understand the point of your question. I think you will find that the key to that is in fact the table we supplied to the inquiry, which was the result of the query of the commissioners. What is the work that took the special audit and how does that relate to the matters that we raised in our report? The table that we supplied to the committee was the answer to the commission's question: what is the relevance of the special audit to this investigation? So that is the missing bit that is not picked up in—

Senator XENOPHON: You can understand it is not unreasonable to conclude that there appears on the surface to be an inconsistency, but you are saying that it is dealt with by the table.

Mr Dolan: Yes.

Senator XENOPHON: And that table, just remind me, gave an analysis of what was—

Mr Dolan: That went through the various findings of the special audit and—I am relying on my memory here—matched them against the matters in the report. It was really a lining-up to say: 'These matters were considered in the development of the report.' I am not sure whether Mr Sangston has any further memory.

Mr Sangston: That is the case; it was a comparative.

Senator XENOPHON: Can I invite you genuinely, if you feel that there is something that you want to add, to take it on notice to elaborate on that. I would be happy for you to do so. I guess the further question is whether, Mr Dolan, you and other commissioners were concerned about the lack of reliance on the special audit, despite what appeared to have been told to the committee. Or do you and the commissioners still not see the special audit as relevant, despite what, on the surface, appears to have been told to the committee and TSB?...

Answer:

The Australian Transport Safety Bureau has nothing to add to its response to the Committee at its hearing on 24 February 2015.

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Question no.: 163

Program: n/a

Division/Agency: Australian Transport Safety Bureau

Topic: Flight data recorder information Pel Air

Proof Hansard Page: 154 (24 February 2015)

Senator Xenophon, Nick asked:

Senator XENOPHON: Would there be any difficulty, once they are recovered and digital copies are made, for a copy of that to be provided to this committee, if the committee was minded to request it?

Mr Walsh: I would need to take that on notice. There would certainly be issues to address in terms of the CVR, more so than the FDR. The flight data recorder information would be classified as restricted information, and obviously there are mechanisms to provide that to the committee. The CVR data obviously is a lot more sensitive and comes under the guise of an on-board recording. I would need to understand a bit more fully the implications of that.

...

Mr Dolan: The commissioner has asked for regular updates on the progress of the reports and that is the extent of our involvement at this stage, so we would be happy to provide that material to this committee as well.

Answer:

Any audio recording on the Cockpit Voice Recorder will be classified as an On-Board Recording (OBR) Information in accordance with section 48 of the *Transport Safety Investigation Act 2003* (TSI Act). Division 1 of Part 6 of the TSI Act prohibits the disclosure and use of OBR information for purposes other than accident and incident investigation under the TSI Act (with some very limited exceptions for criminal and civil proceedings). The restrictions on use and disclosure are to ensure industry cooperation and the free flow of critical safety information into the future for safety investigations. The ATSB would be restrained in its ability to respond to a request for the OBR information from the Rural and Regional Affairs and Transport Legislation Committee, noting that doing so would raise compliance issues with the TSI Act. In particular, the ATSB would be concerned to uphold the principles of the protections, limiting the publication of OBR information in the public domain. The ATSB notes that the requirement under Standing Order 26(2) for Estimates Committees to hear evidence in the public domain would make this difficult.

Protections for the Flight Data Recorder Information are less restrictive and the ATSB may be able to disclose information from the recording, other than in the Investigation Report, where a case can be made that it is necessary or desirable for transport safety.

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Infrastructure and Regional Development

Question no.: 164

Program: n/a

Division/Agency: Australian Transport Safety Bureau

Topic: Response to Canadian Review

Proof Hansard Page: 156 (24 February 2015)

Senator Bullock, Joe asked:

Senator BULLOCK: Of course, had you been going to respond to the Canadians, I would have asked you to provide a copy of the response. Given that you are responding to the minister, I do not know whether I can. But if I could, I would.

Mr Dolan: We will check with the minister, once we provide something to him.

Mr Mrdak: Probably as part of the update to the committee.

Answer:

The ATSB will advise the Committee whether it can provide a copy of its response to the TSB recommendations after it has been provided to the Minister and as part of the ATSB's update to the Committee on the progress of the re-opened investigation.

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Question no.: 165

Program: n/a

Division/Agency: Australian Transport Safety Bureau

Topic: Formation issues – Melbourne-Sydney rail line

Proof Hansard Page: Written

Senator Rice, Janet asked:

With reference to the Melbourne-Sydney rail line, particularly the approximately 58 kilometres where the mud holes have been a problem, I refer to John Fullerton from the ARTC's comments in Senate Additional Estimates hearings regarding the ATSB's view in its August 2013 report that treatments applied to date are unlikely to correct the more deep-seated formation problems.

Mr Fullerton noted that "We [ARTC] do not totally agree with that particular matter that was raised by the ATSB. We had a lot of discussion with them about the extent that the problem relates to formation failure." What do you consider to be the factors leading to differing assessments of the problems and treatment?

Answer:

In its 2013 report on the safety of rail operations on the interstate rail line between Melbourne and Sydney, the ATSB addressed a range of issues affecting the condition of the line, and the remedial work being undertaken by the ARTC. Of the issue noted above (mud holes), the ATSB specialist analysis determined that these defects had arisen from two key contributors – fouled ballast, and problems with the underlying track formation (a problem known as 'soft formation'). Pages 13-15 and 34-45 of the ATSB report explain this in further detail.

The ARTC track rectification work examined in the report, although effective in addressing ballast-related problems, was unlikely to correct the more deep-seated formation issues. As such, the ATSB came to the view that, unless additional treatments were applied to improve the formation, it was possible that water could continue to weaken the structure in some locations and that ballast fouling/ mud hole development problems might recur.

The ATSB investigation did not seek to establish (by physical test) the extent to which the Melbourne to Sydney line was affected by soft formation – nor was this part of the intended scope of the study.

The ATSB is satisfied that the necessary steps have been taken to address any issues that might otherwise compromise the safety of rail operations in areas where track quality falls below acceptable operational standards.

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Question no.: 166

Program: n/a

Division/Agency: Australian Transport Safety Bureau

Topic: REPCON – Cirrus report

Proof Hansard Page: Written

Senator Xenophon, Nick asked:

1. At the time ATSB reviewed Airservices Cirrus report #ATS-0125061 was it aware that approximately 3 hours had elapsed between the time the reported breakdown of communication occurred and the time it was detected and corrected?
2. At the time ATSB reviewed REPCON AR201300090 relating to Cirrus report #ATS-0125061 was it aware approximately 3 hours had elapsed between the time the reported breakdown of communication occurred and the time it was detected and corrected?
3. When and how did ATSB become aware of the three hour time delay between the error referred to in Cirrus #ATS-0125061 occurring and its subsequent detection and correction?
4. Can ATSB provide a copy of the request it sent to Airservices for the radar tapes relating to Cirrus #ATS-0125061?
5. When did ATSB seek the radar tapes relating to Cirrus #ATS-0125061 – after the CIRRUS report was received or after the REPCON report was received?
6. When did ATSB review the radar tapes – after the CIRRUS report was received or after the REPCON report was received?
7. What period of time did the radar tapes provided by Airservices Australia cover?
8. Can ATSB provide a copy of the radar tapes it reviewed?

Answer:

1. No.
2. No – the REPCON reporter advised in their report to the ATSB of 18 November 2014 that the event lasted several hours.
3. In response to a request by the ATSB for clarification of the Airservices Australia response to the REPCON report, Airservices Australia advised the ATSB on 5 December 2014 that the error was not detected for 3 hours.
4. The ATSB reviewed the radar data using Webtrack, which is publicly available on the Airservices Australia website.
5. See question 4 above– the review of radar data was undertaken after the REPCON report was received.
6. See question 5 above.
7. See question 4 above.
8. See question 4 above.