

PART G40
SAFETY PROVISIONS FOR RAIL

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1. GENERAL

- .1 This Part specifies safety requirements which the Contractor shall comply with when carrying out Rail Safety Work, including survey, design, construction, commissioning, use, inspection, installation, modification, maintenance, repair, cleaning or decommissioning of Rail Infrastructure.
- .2 The Contractor shall comply with the following:
 - (a) [Work Health and Safety Act 2012 \(SA\)](#);
 - (b) [Work Health and Safety Regulations 2012 \(SA\)](#);
 - (c) [Rail Safety National Law \(South Australia\) Act 2012](#) (the “**Rail Safety Act**” for the purposes of this part);
 - (d) [Rail Safety National Law National Regulations 2012 \(SA\)](#) (the “**Regulations**” for the purposes of this part);
 - (e) [Rail Safety National Law \(South Australia\) \(Drug and Alcohol Testing\) Regulations 2012](#); and
 - (f) [Road Traffic Act 1961 – Part 4 \(SA\)](#).
- .3 Where applicable to the work under the Contract, the Contractor shall comply with the following:
 - (a) AS 1742.7: Manual of Uniform Traffic Control Devices – Railway Crossing
 - (b) AS 1085: Railway Permanent Way Material
 - (c) AS 4292: Rail Safety Management
 - (d) AS 4308: Procedures for Specimen Collection and the Detection and Quantitation of Drugs of Abuse in Urine
 - (e) AS 31000: Risk Management
 - (f) AS 19011: Guidelines for Quality and/or Environmental Management Systems Auditing;
 - (g) Australian Safety and Compensation Council (ASCC): National Code of Practice for Induction for Construction Work (available from: <http://www.safeworkaustralia.gov.au>)
 - (h) National Transport Commission Australia (NTC): National Health Assessment Standards for Rail Safety Workers, (available from: www.ntc.gov.au)
 - (i) National Transport Commission Australia (NTC): National Rail Safety Guideline - Management of Fatigue in Rail Safety Workers (available from: www.ntc.gov.au)
 - (j) National Transport Commission Australia (NTC): National Rail Safety Guideline - Meaning of Duty to Ensure Safety *So Far As Is Reasonably Practicable* (available from: www.ntc.gov.au)
 - (k) Safework SA: Approved Code Of Practice for Working Hours (available from: <http://www.safework.sa.gov.au>)
- .4 The definitions in the *Rail Safety National Law (SA) Act and Work Health and Safety Act* and the following definitions apply to this Part.

“**AMPRN**” means Adelaide Metropolitan Passenger Rail Network (refer: http://www.dpti.sa.gov.au/contractor_documents/public_transport_technical_information for a schematic map).

“**DPTI**” means the Department of Transport, Planning and Infrastructure, an administrative unit established pursuant to the [Public Sector Act 2009](#) (SA).

“**DPTI Rail Operations**” means any section of DPTI which has responsibility for the operation of Rolling Stock and/or the management of Rail Infrastructure on the AMPRN on behalf of the Rail Commissioner.

“**Rail Commissioner**” means the Rail Commissioner, a body corporate established pursuant to the *Rail Commissioner Act 2009* (SA).

“**Prescribed Drug**” includes those as defined within the *Rail Safety National Law (SA) (Drug and Alcohol Testing) Regulations* and those drugs listed within AS 4308: Section 4.1 General.

“**SFAIRP**” has the meaning described in the National Rail Safety Guideline - Meaning of Duty to Ensure Safety *So Far As Is Reasonably Practicable*.

For the purpose of this Part, “**Contractor’s Personnel**” includes the Contractor’s personnel, subcontractors, consultants and agents.

2. CONTRACTOR’S OBLIGATIONS

- .1 The Contractor shall ensure as far as is reasonably practical, the safety of the Contractor’s Personnel, visitors, DPTI employees and members of the public, in relation to the work under the Contract.
- .2 Pursuant the Act, the Rail Commissioner is the Rail Infrastructure Manager (and hence Rail Transport Operator) for the work under the Contract. To enable the Rail Commissioner to fulfil its obligations under the Act, the Contractor warrants to the Principal that it will implement all necessary systems, comply with such systems and will take all necessary actions in relation to its safety obligations under the Contract. The Principal will be relying upon the professed expertise of the Contractor in rail safety to fulfil the Rail Commissioner’s obligations pursuant to the Act. The Contractor acknowledges that it is aware that the Principal entered this Contract in reliance upon the warranties in this Clause.
- .3 Pursuant to the *Work Health and Safety Regulations*, the Contractor is the principal contractor for the work under the Contract and is authorised to have management or control of the workplace and to discharge the duties of a principal contractor under the *Work Health and Safety Regulations*.

3. SAFETY IN DESIGN

- .1 This clause only applies if the Contractor is responsible for the design of all or part of the Works.
- .2 The Contractor shall have a documented safety in design procedure outlining its process for managing design implications in construction, operational and demolition (where applicable) phases of the project.
- .3 A safety in design risk assessment shall be developed for the project and proposed safety controls shall be included in all design reviews.
- .4 In undertaking the safety in design process, the Contractor shall:
 - (a) establish the context for the design;
 - (b) identify the foreseeable uses of the design;
 - (c) identify hazards relevant to the phase of the project;
 - (d) undertake an assessment of risk based on the SFAIRP model;
 - (e) develop the Safety in Design Risk Assessment and Design Risk Register;
 - (f) identify potential control measures and determine residual risk;
 - (g) monitor and review the design process at critical stages / design reviews; and
 - (h) communicate and consult with the Principal regarding Safety in Design.
- .5 The Design Risk Register is a Controlled Document.

4. RAIL SAFETY ACCREDITATION

- .1 Where the Contractor intends to operate Rolling Stock on the AMPRN, the Contractor shall hold accreditation pursuant to Section 62 of the Rail Safety Act for the operation of that Rolling Stock.
- .2 The Contractor’s Safety Management System shall include details of:
 - (a) the Contractor’s accreditation to operate Rolling Stock;
 - (b) compliance with other Rail Transport Operators’ applicable rules and procedures;
 - (c) how the Contractor will comply with the requirements of other Rail Transport Operators’ accreditation for:

- i) the effective management and control of the project site;
- ii) evidence of fitness for purpose of Rolling Stock;
- iii) scheduling, control and monitoring of Rolling Stock;
- (d) how the Contractor will ensure other Rolling Stock Operators' rail movements are not affected by the movement of the Contractor's rolling stock; and
- (e) interface agreements with other Rail Transport Operators.

5. SAFETY MANAGEMENT SYSTEM

Rail Commissioner's Safety Management System

- .1 On behalf of the Rail Commissioner, DPTI Rail Operations is responsible for the ongoing management and operation of the AMPRN and passenger Rolling Stock. This includes management of the Rail Commissioner's Integrated Safety Management System Framework, which describes how the Rail Commissioner meets its obligations under the Rail Safety Act. Where specified in this Part G40 Safety Provisions for Rail, the Contractor shall consult with, and provide information to, a representative of DPTI Rail Operations in regard to the Integrated Safety Management System.
- .2 The Principal will advise the Contractor of the DPTI Rail Operations representative and if requested by the Contractor, provide the Contractor with a copy of the Integrated Safety Management System Framework.

Contractor's Safety Management System

- .3 Further to Section 99 of the Rail Safety Act, the Contractor shall:
 - (a) develop, implement and maintain a Safety Management System which defines the Contractor's systematic approach to managing safety in accordance with the requirements of the Rail Safety Act; and
 - (b) develop, implement and maintain a Contract specific Safety Management Plan which provides a detailed description of how the Contractor's Safety Management System will be applied to this Contract (including all references to relevant parts of the Safety Management System).
- .4 If not previously provided to the Principal, the Safety Management Plan shall be provided at least 48 days prior to the commencement of work on Site. The Safety Management Plan is a Controlled Document.
- .5 Provision of the Safety Management Plan shall constitute a **HOLD POINT**.
- .6 If the Principal provides comment regarding any safety related documentation, the Contractor shall consider that comment and amend the documentation where necessary to comply with the requirements of this Clause.

6. SPECIFIC SAFETY MANAGEMENT REQUIREMENTS

- .1 The requirements of this Clause are in addition to those specified in Part 3, Division 6 – Safety Management of the Rail Safety Act and Schedule 1—Content of safety management system of the Regulations.

Risk Management (Section 99 of the Rail Safety Act)

- .2 Further to Section 99 (1) of the Rail Safety Act, within the Safety Management Plan or a Risk Management Plan, the Contractor shall describe the specific risk management process to be applied to the work under the Contract. The process shall meet the requirements of AS 31000.
- .3 The Contractor shall carry out a contract risk assessment and produce a Contract Risk Register.
- .4 The Contractor's Contract Risk Register shall:
 - (a) be specific to the work being carried out;
 - (b) involve, through its development, stakeholders (including DPTI Rail Operations);
 - (c) include assigned responsibility and timeframes for every identified control measure and/or action required; and
 - (d) be regularly reviewed and updated throughout the life of the project.
- .5 The Contractor shall ensure that all identified control measures and action items on the Contract Risk Register are completed to assigned timeframes and monitored for effectiveness throughout the life of the Contract.
- .6 The Contract Risk Register is a Controlled Document.

Interfaces Management (Section 105 of the Rail Safety Act)

- .7 The Contractor shall:
- (a) establish, implement and maintain an Interfaces Management Plan which:
 - i) defines the processes for the identification and management of interfaces; and
 - ii) ensures compliance with Section 105 of the Rail Safety Act and Section 7 “Interface Management” of AS 4292.1;
 - (b) identify other infrastructure managers, Rail Transport Operators / Road Managers (including their agents and contractors) and any other contractors engaged by the Principal whose operations, activities and /or infrastructure may affect the work under the Contract;
 - (c) identify, assess and manage risks to safety SFAIRF resulting from the interface with other infrastructure managers, Rail Transport Operators / Road Managers; and
 - (d) prepare (or assist the Principal with the preparation of) all interface agreements necessary for the work.
- .8 The Contractor shall ensure that a suitably experienced and qualified engineer is appointed who is accountable for the identification and management of all interfaces activities undertaken during delivery of the Works.

Security Management (Section 112 of the Rail Safety Act)

- .9 The Contractor shall prepare and implement a project-specific Security Management Plan, describing how the security environment will be effectively managed for the work under the Contract. This may be a section within the Safety Management Plan.
- .10 The Security Management Plan shall be based on a security risk assessment and at a minimum describe:
- (a) security responsibilities;
 - (b) security related communication processes;
 - (c) specific security policies and procedures pertaining to the project;
 - (d) physical security arrangements; and
 - (e) the process to be used for employee security checks (if required) and training.
- .11 The Security Management Plan incorporates measures to protect people from theft, assault, sabotage, terrorism and other criminal acts of other parties and from other harm.
- .12 Security Management Plans shall be prepared in accordance with South Australian Rail Infrastructure Manager and Rolling Stock Operators, Security Self-Assessment Handbook. The Contractor shall comply with any additional requirements necessary to ensure the Rail Commissioner meets its accreditation requirements.

Emergency Management (Section 113 of the Rail Safety Act)

- .13 The Contractor shall prepare and implement a project-specific Emergency Management Plan, describing how the Contractor will ensure an adequate response to emergencies. This may be a section within the Safety Management Plan.
- .14 At a minimum, the plan shall address the following:
- (a) the types or classes of foreseeable emergencies;
 - (b) the consequences of each type or class of those emergencies, including estimates of the likely magnitude and severity of the effects of each type or class;
 - (c) the risks to safety arising from those emergencies;
 - (d) methods to mitigate the effects of those emergencies;
 - (e) initial response procedures for dealing with those emergencies and the provision of rescue services;
 - (f) recovery procedures for the restoration of works, adjacent railway operations and for the assistance of people affected by the occurrence of those emergencies;
 - (g) the allocation of emergency management roles and responsibilities within the worksite, and between the site and interface organisations;
 - (h) call out procedures;
 - (i) the allocation of personnel for the on site management of those emergencies;

- (j) procedures for liaison with relevant emergency services, including information about the circumstances in which the emergency services are to be immediately contacted;
 - (k) procedures to ensure that emergency services are provided with all the information that is reasonably required to enable them to respond effectively to an emergency;
 - (l) procedures for effective communications and co operation throughout the emergency response; and
 - (m) procedures for ensuring site security and for the preservation of evidence following an incident.
- .15 The Emergency Management Plan shall be provided to the Principal and to the emergency services (if appropriate). The Contractor shall comply with any additional requirements necessary to ensure the Rail Commissioner meets its accreditation requirements.

Health and Fitness Management Program (Section 114 of the Rail Safety Act)

- .16 The Contractor shall ensure that all of the Contractor's Personnel whose duties involve, or are likely to involve rail safety work are medically assessed as being physically and psychologically fit to undertake their work, as defined in the NTC publication: National Health Assessment Standards for Rail Safety Workers.
- .17 All health assessments shall be conducted by an appropriately qualified and accredited independent organisation, in accordance with the NTC publication: National Health Assessment Standards for Rail Safety Workers.
- .18 No person shall be permitted to perform activities under this Contract for which they have not received the appropriate category of medical assessment.
- .19 The Safety Management Plan shall include a description of procedures and initiatives in place to manage the health and well-being of all of the Contractor's Personnel.

Alcohol and Drug Management Program (Section 115 of the Rail Safety Act)

- .20 The Safety Management Plan shall include a description of the Contractor's alcohol and drug management program and associated procedures for:
- (a) alcohol and drug testing;
 - (b) notification of positive test results (non-negative and confirmatory test results);
 - (c) education and awareness;
 - (d) counselling and assistance; and
 - (e) self disclosure.
- .21 The Contractor shall ensure all employees and subcontractors employees employed for the project undergo alcohol and drug screening prior to commencement on site. The work site shall be zero tolerance.
- .22 The Contractor shall establish a random drug and alcohol test program which shall achieve a minimum test rate of at least 25% (in addition to pre commencement screening) of all employees and subcontractors employees on site per month throughout the duration of the project.
- .23 The Contractor shall have procedures for targeted testing which as minimum address the following:
- (a) Notifiable Occurrence; and
 - (b) Just Cause.
- .24 The methods of administering and processing alcohol and other drug tests will be in accordance with AS 4308 and the *Rail Safety National Law (South Australia) (Drug and Alcohol Testing) Regulations 2012*.
- .25 In the event that any of the Contractor's Personnel return a positive test or are under the influence of a Prescribed Drug, the Contractor shall immediately provide a verbal report to DPTI Rail Operations (through the Rail Safety Hotline) and Principal and a copy of the written report from the laboratory.
- .26 A refusal to undertake a test shall be reported to the Principal and DPTI Rail Operations.

Fatigue Risk Management Program (Section 116 of the Rail Safety Act)

- .27 The Safety Management Plan shall include a description of the Contractor's Fatigue Risk Management Program, which shall include the following at a minimum:
- (a) a fatigue policy containing working hour rules;
 - (b) a process to monitor working hours (including time on task) and identify non-compliance with working hour rules (as defined in fatigue policy);

- (c) a process to address non-compliance with working hour rules;
 - (d) an education program;
 - (e) appropriate roster design;
 - (f) kinds of rail safety work being carried out; and
 - (g) fatigue risks arising from any one-off or occasional circumstance in which rail safety work may be required to be carried out.
- .28 The Fatigue Risk Management Program shall comply with the Safework SA: Approved Code of Practice for Working Hours and the principles contained within the National Rail Safety Guideline - Management of Fatigue in Rail Safety Workers.

Assessment of Competence (Section 117 of the Rail Safety Act)

- .29 The Safety Management Plan shall include procedures to ensure compliance with the requirements of this sub-clause.
- .30 Assessments are to be conducted for each worker and on the arrival of new or transferred workers. The Contractor's Personnel shall not work on the Site unless their skills, knowledge and experience have been assessed as appropriate. The requirements of this clause apply to personnel undertaking design, investigations, inspections verification, commissioning and any other professional services in relation to the Rail Infrastructure.
- .31 The Contractor shall:
- (a) establish required competencies for all tasks to be performed by the Contractor's Personnel, noting the requirement to be assessed in accordance with the Australian Quality Training Framework (AQTF);
 - (b) identify any gap in worker competence (i.e. the difference between the set competence for the task and the worker's competence);
 - (c) ensure that the Contractor's Personnel achieve the set competence for the task;
 - (d) maintain records of assessed competencies for employees and subcontractor's employees;
 - (e) measure competency against position descriptions that define the purpose, authority of each position and qualifications and experience required for that position;
 - (f) ensure that all employees and subcontractors have undergone a site specific induction;
 - (g) provide evidence of competence and training of rail safety workers, upon the request of the Principal or an authorised person; and
 - (h) include Track Safety Awareness Training, where required in accordance with Part CH75 "Track Access: External Rail Transport Operators" in the Contractor's assessment of competence.

Review of Safety Management System (Schedule 1, Clause 8 of the Regulations)

- .32 The Contractor shall undertake periodic reviews to ensure the effectiveness and continuous improvement of the Contractor's Safety Management System by identifying deficiencies and undertaking appropriate rectification.

Management of Change (Schedule 1, Clause 12 of the Regulations)

- .33 The Safety Management Plan shall include procedures to ensure that any changes that may affect the safety of Railway Operation are identified and managed. At a minimum, the procedures shall ensure that:
- (a) changes are fully identified and described in the context of the rail operations;
 - (b) affected parties are identified and, if practicable, consulted;
 - (c) the roles and responsibilities of rail safety workers and employees of the operator are clearly specified with respect to the change;
 - (d) the rail safety workers and employees of the operator are fully informed and trained to understand and deal with the proposed change;
 - (e) the requirements of section 12 of Schedule 1 of the Regulations are observed in relation to any risks associated with the proposed change, which are:
 - i) identify and assess any risks to safety that have arisen or may arise from the carrying out of railway operations, for which the rail transport operator is required to be accredited, on or in relation to the rail transport operator's rail infrastructure or rolling stock;
 - ii) specify the controls (including audits, expertise, resources and staff) that are to be used by the rail operators to manage risks to safety and to monitor safety in relation to those railway operations; and

- (f) the change, once implemented, is reviewed and assessed by the operator to determine whether or not the change has been appropriately managed.

Training and Induction (Schedule 1, Clause 15 of the Regulations)

- .34 The Contractor shall ensure that the Contractor's Personnel entering the Rail Corridor:
 - (a) have attended an appropriate site induction and are fully informed of the dangers and the procedures to be adopted while working in the work site;
 - (b) have passed the Rail Safety Awareness for working on the AMPRN course or an equivalent approved by the Principal;
 - (c) have completed the "White Card" General Induction Course training in accordance with the National Code of Practice for Induction for Construction Work;
 - (d) where applicable, have completed External Rail Network Rail Safety Awareness (refer Part CH70 AMPRN Track Access).
- .35 Prior to the commencement of work on the Site, the Contractor shall provide evidence to the Principal that the Contractor's Personnel comply with the requirements of this Clause and provide updates (at a minimum fortnightly) when new Contractor's Personnel work on the Site. As a condition precedent to remaining on the worksite, the Contractor's Personnel shall provide a valid Rail Safety Awareness ID card upon request.
- .36 Details of the Rail Safety Awareness training for working on the AMPRN are available from:
<http://www.dpti.sa.gov.au/stayswitchedon/RSA#TD>.

Human Factors (Schedule 1, Clause 17 of the Regulations)

- .37 Human Factors management shall comply with Clause 2.12 "Human Factors" of AS4292.1 and shall be taken into account in the development of procedures for the applications listed in Appendix B "Human Factors and Safety Culture" of AS 4292.1.

Subcontractor Management (Schedule 1, Clause 18 of the Regulations)

- .38 The Contractor shall document its processes to manage safety risks associated with subcontracting of work. As a minimum, this shall address the following:
 - (a) register for all subcontractors involved in the project;
 - (b) detailed contract specification and scope of works;
 - (c) health and safety tender assessment;
 - (d) prestart subcontractor health and safety assessment (including drug and alcohol tests);
 - (e) inspection and audit scheduling; and
 - (f) prescribed documentation.

Plant and Equipment

- .39 The Safety Management Plan shall include procedures to ensure that all plant and equipment introduced to the Site is safe and fit for purpose. At a minimum, this includes:
 - (a) all plant is registered and compliant with the relevant Regulations and Australian Standards;
 - (b) a management system for the purchase, use, maintenance and disposal of plant equipment;
 - (c) induction and evidence for fit for purpose certification of rail bound plant; and
 - (d) where required, a register is maintained of all rolling stock which is used on the rail network.

7. COMPLIANCE WITH PART 4 OF THE ROAD TRAFFIC ACT

- .1 Where the Contractor transports goods or materials, the Contractor's Safety Management Plan shall include procedures and / or instructions to ensure compliance with "Part 4 - Vehicle Standards, Mass and Loading Requirements and Safety Provisions" of the *Road Traffic Act*. At a minimum, the procedures and / or instructions shall address (where applicable) the methods for:
 - (a) accurately and safely weighing or measuring the vehicle or load;
 - (b) safely restraining loads;
 - (c) providing reliable evidence to calculate the weight or measurement of the vehicle or load;
 - (d) ensuring that weather conditions or the positioning of the load and / or vehicle does not breach the Road Traffic Act;

- (e) exercising supervision or control of others involved in the loading of vehicles;
- (f) provide information, instruction, training and supervision to employees; and
- (g) ensuring compliance with the requirements of the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations*.

8. INCIDENT NOTIFICATION & REPORTING

Notification

- .1 The Contractor shall immediately notify the Principal and DPTI Rail Operations of any:
 - (a) injury or “near miss” event with potential to occasion injury; or
 - (b) Notifiable Occurrence (Refer: Section 121 “Notification of Certain Occurrences” of the Rail Safety Act and Regulation 57 “Reporting of Notifiable Occurrences”).
- .2 The Contractor shall provide:
 - (a) an initial written notification report to the Principal and DPTI Rail Operations of the incident within 24 hours of the incident occurring; and
 - (b) a full written investigation report within 72 hours of the incident occurring.
- .3 Notwithstanding the above, the Contractor shall also comply with any other incident management requirements necessary to ensure that the Rail Commissioner meets its accreditation requirements.
- .4 Provision of the notification and investigation report shall constitute a **HOLD POINT**.

Incident Investigation

- .5 The Contractor shall provide all assistance necessary to any person authorised to conduct an investigation, including providing unrestricted access to the Contractor’s employees and records.
- .6 Following the recommendations of the Investigation Report, the Contractor shall initiate and implement any assigned actions emanating from the Investigation Report.

9. SURVEILLANCE AND AUDIT

- .1 The Contractor shall:
 - (a) prepare and implement an audit program / procedures in accordance with Schedule 1, Clause 10 “Safety Audit Arrangements” of the Regulations; and
 - (b) allow audit or surveillance of the Contractor’s work practices, systems or documentation to be undertaken by the Principal and/or DPTI Rail Operations or their agents.
- .2 The Contractor shall provide relevant requested documentation, access to worksites and relevant Rail Safety Worker input. The Contractor’s Safety Management Plan and its implementation will be subject to audit against Schedule 1 “Content of the Safety Management System” of the *Rail Safety (General) Regulations*.
- .3 Where a non-conformance is identified, the Contractor may be issued with either, an “observation notice”, a “non-conformance notice” or a “corrective action request”. If this occurs the Contractor shall act to rectify the non-conformance within the following timeframes:
 - (a) Observation notice: 7 days
 - (b) Non-conformance notice: 3 days
 - (c) Corrective Action request: 24 hours
- .4 The Contractor shall undertake internal audits in accordance with AS 19011 and ensure that all system elements and major subcontractors are audited at least once during the project.

10. REPORTING AND RECORDS

- .1 The Contractor shall:
 - (a) maintain all records necessary to demonstrate compliance with this Part and the Rail Safety Act (including records of health assessments and training undertaken by the Contractor’s Personnel);
 - (b) ensure that the records are current; and
 - (c) provide copies of the records if requested by the Principal or DPTI Rail Operations.

- .2 If the Principal provides a template for the records, the Contractor shall use that template where appropriate. At each Site Meeting, upon request, or at a minimum monthly, the Contractor shall provide evidence of ongoing performance of the Contractor’s Rail Safety Management System, including the following information:
 - (a) Project actions arising from audits or workplace inspections conducted by DPTI Rail Operations.

11. HOLD POINTS

- .1 The following is a summary of Hold Points referenced in this Part:

CLAUSE REF	HOLD POINT	RESPONSE TIME
5.2	Submission of the Safety Management Plan	20 working days.
8.1	Incident notification and report	*

* Hold Points relating to safety incidents will only be released when the Principal and/or Rail Safety Regulator are satisfied that that adequate Corrective Action has been implemented.
