



AUSTRALIAN ASSOCIATION OF LIVE STEAMERS

AALS Web Site

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ACN 107 882 404 - ABN 81 107 882 404

AUSTRALIAN LIVE STEAMERS SAFETY COMMITTEE

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23 April, 2010

Hon Secretary
Club as addressed

Re: ALSSC Consultation Process on Code of Practice for Operation and Training

This letter constitutes the commencement of the 2010 consultation process with all AALS member clubs in which key Code of Practice for Operation and Training (referred to in this document as the Code) and operational safety issues are proposed to be evaluated in detail then resubmitted to member clubs for determination in accordance with the AALS constitution.

As in 2008 and 2009, this consultation process is intended to provide a forum for detailed evaluation and discussion of issues associated with safe operation of activities at member clubs. This process is proposed as a better, consultative approach to the current process of drafting and submitting motions to the AGM. The latter involves virtually no debate given that most member clubs have determined their position and have returned their completed votes well before the AGM.

The Consultation Issues

The Committee has adopted the following priority of issues for consultation and development in 2010:

- Further review of specific clauses of the Code of Practice for Operation and Training arising from club comments to the reformatted Code;
- Development of a draft Code for gas Firing of Miniature Boilers that are subject to the provisions of the AMBSC boiler codes;
- Developing and strengthening the role of the competent person with respect to the Code of Practice for Operation and Training;
- Modifying Clause 5.8 (h) of the Association Standing Orders to permit the appointment of the technical representative of the Association be a suitably qualified and experienced person, as opposed to the current requirement for the individual to be a professionally qualified mechanical engineer.

Each issue or project is detailed in the attached pages.

The Consultation Sequence and Timetable

The sequence of the consultation process is as follows:

- Member clubs and individual club members are invited to promptly submit areas and issues within the Code that they believe require addressing as part of the review and revision. All inputs received up to the **31st August, 2010** will be provided to the team that has been

delegated the task of reviewing and revising the Code to a draft form for consideration of adoption at the 2011 Annual General Meeting;

- Member clubs and individual club members are invited to promptly submit areas and issues that should be considered as part of developing the proposed Gas Firing Code. All inputs received up to the **30th June, 2010** will be provided to the team that has been delegated the task of developing and drafting the Gas Firing Code to a draft form for consideration of adoption at the 2011 Annual General Meeting;
- Member clubs and individual club members are invited to respond to the following topics:
 - The challenge of enhancing the role of the competent person in the implementation of and compliance with the Code of Operations and Training (ie: Code of Practice);
 - Visibly ill or handicapped for consultation process;
 - Reviewing the Rules to widen the qualifications and experience for the position of Technical representative to the Safety Committee

All inputs received to these topics will be received up to the **31st August, 2010**.

The Committee will then summarise all submissions received, establish what appears to be the most appropriate direction to progress each issue, and distribute the finalised position to all member clubs, together with the proposed amendments to all formal documentation such as the Code and possibly the Standing Orders of the Association.

This phase could include the establishment of specialist sub-committees in accordance with 5.4 (a) of Standing Orders. This stage of the consultation process could take up to 120 days to complete detailed drafting.

Submissions are encouraged either by e-mail or by post. Formal posted documents will be scanned for prompt distribution to relevant project groups. All submissions will be posted on the AALS website under the heading “2010 Consultation Process” on the “News” page for the information of all members of member clubs.

The process continues the consultation and due diligence that the Association has often been accused of lacking. Equally, the consultation process is not open-ended, and will ensure that issues are fully addressed, all submissions considered, and the matters ultimately determined by the democratic processes of the Association.

We recognise that the consultation process will not satisfy all member clubs, yet believe that consultation continues to enhance the democratic constitution of our Association while permitting all views to be expressed and evaluated.

Feel free to contact us any reasonable time to discuss safety issues.

Regards

Warwick Allison
Chairman

Alf Grigg
Secretary

Proposed Revision of Specific Clauses of the Code of Practice for Operation and Training: Comments by 31st August, 2010

A small working group consisting of Mick Murray, David Archibald, and Warwick Allison redrafted and formatted the Code in 2009. The draft document was adopted at the 2010 AGM.

Member clubs and individuals are invited to make submissions on any particular provisions of the Code that they believe require further specific attention and development of the working group.

For example, Bankstown submitted a range of comments to the draft Code document at a time when the motions for the 2010 AGM could not be changed. The comments are worthy of evaluation and response as part of this consultation process. Their submission will be posted on the website. document set. Canberra has also provided information on carriage standards.

Further, participants at the 2010 AGM raised the question of the appropriateness of a person who is partially physically or mentally disabled or ill being permitted to ride on a public passenger train. The question/comment arose in the context of the adopted change to the footwear rules for high-sided passenger, 7¼” carriages.

The key issue raised was that a person who may be ill with a terminal illness may be capable of travelling safely on a passenger train, whereas a person who may be under the influence of alcohol, drugs, or a temporary debilitating illness, may have a physical or mental handicap, and/or may behave in a physically unpredictable manner such as to not be able to ride safely.

We welcome discussion and/or comments as to how the Code could be enhanced to better provide guidance for safety officers in such circumstances.

Early submission of issues and ideas should ensure that document drafting captures ideas and issues that should be considered and addressed as part of the revision. The latest date for submission of comments, ideas, and issues is proposed to be the 31st August, 2010.

The draft Code document will be distributed in time to enable any omissions or corrections to be completed before the distribution with the 2011 AGM documents.

Development of Draft Code for Gas Firing of Miniature Boilers Comments by 31st July, 2010

The 2008 Board meeting resolved to complete the drafting of a Gas Firing Code for Miniature Boilers. The task was assigned to the Safety Committee, which in turn established a working party of Andrew Mierisch, Brian Carter, and ourselves.

The Gas Code had been proposed some years previously. Considerable effort and development had been undertaken by Doug Baker as former Chairman of the AALSSC, other AALSSC members, and others.

The Committee intends to draft the first version of the Gas Firing Code by October, 2010, though is mindful of the potential for delays in the regulatory review process.

Member clubs and individuals are invited to make submissions detailing aspects of gas firing that they believe should be considered for inclusion in the Gas Firing Code.

Early submission of issues and ideas should ensure that these are included in the draft document.
The latest date for submission of comments, ideas, and issues is proposed to be **the 31st July, 2010.**

The draft Gas Firing Code document will be distributed in time to enable any omissions or corrections to be completed before the distribution of the 2011 AGM documents.

The Role of the Competent Person in the Implementation of the Code Comments by the 31st August, 2010

This consultation topic arose in 2008 from the number of competent persons within member clubs who have written to and called ALSS committee members with concerns over their inability to convince their clubs to operate and maintain club and individual member non-boiler plant and equipment in accordance with the Code and/or statutory and accepted professional engineering standards.

The issue was submitted to the consultation process in 2009, but without sufficient contributions from which the committee could develop a proposed motion for determination. The item is being resubmitted for review by member clubs.

The role of the competent person is defined in Clause 5.8, sub clauses (i) to (U) of the AALS Standing Orders, and in Appendix 8 of the Code (attached).

The actual role that the competent person undertakes depends substantially on the size of member clubs and the availability of willing, capable club members to undertake other key roles such as safety officer and track superintendent.

Some clubs employ external professional persons to undertake the task of completing an annual inspection and certification of non-boiler plant and equipment.

In many member clubs, it seems that the competent person performs the dual roles of safety officer and competent person. A significant number of these competent persons have lodged their concern at their inability to convince their club and individual members that compliance with the Code is an important benchmark in ensuring safe operations.

In recent examples, competent persons have expressed frustration at the prevailing attitude of club members to any adherence to the Code. They have cited examples of verbal abuse and by fellow members at any attempt to counsel members for breaches of aspects of the Code. Issues have included under-age drivers in charge of passenger carrying trains during public running periods, public passenger trains with insufficient braking capacity, and excessive speed during public passenger operations.

As one competent recently lamented:

“Until we can convince the hobby participants to respect the role of the competent person in the same way as they respect the role of the boiler inspector, we will face potential safety breach situations that arise from member clubs failing to comply with the Code of Practice.”

While the Code is often derided as a difficult document to use, its role in ensuring that member clubs are not automatically subjected to amusement devices statutes and regulations greatly simplifies the compliance requirements of member club operations.

Member clubs and individual members are asked to consider and comment to the following questions and propositions:

- Does your club know the statutory and regulatory position with respect to compliance with amusement devices statutes and regulations in your state or territory?

Does auditing, documentation, compliance of non-boiler plant and equipment to the Code provide your club with an acceptable management and operational status with respect to state statutes and regulations for amusement equipment ?

- Is your club's competent person a club member or a suitably qualified external person ?
- Does your club have positions for both a safety officer and a competent person, or are these combined roles in a single position ?
- Is the role of competent person within your club considered to be of the same importance with respect to function and responsibility as that of the boiler inspector ?

If yes, how did your club establish the status of the position with the club membership ?

If not, why not ?

- What initiatives does your club believe the ALSSC needs to undertake in order that the Code is understood and complied with in an equivalent manner to the adherence to the AMBSC boiler codes ?
- What initiatives can the ALSSC implement to support and enhance the role of the competent person in ensuring compliance with the Code ?

Redefining the Role of the Technical Representative to the AALSSC

Clause 5.6 (b) of the AALS Standing Orders define the Safety Committee as follows:

(b) The Company shall, at an annual meeting, elect officers of the Australian Live Steamers Safety Committee, consisting of;

- (i) Chairman;
- (ii) Secretary; and
- (iii) Technical Adviser.

In 2008, the Board considered the nomination of Robert Cox of Altona Miniature Railway to the position of the technical representative to the Safety Committee, and appointed him. The Board was subsequently advised that Robert did not have any mechanical engineering qualifications and/or experience. Robert subsequently resigned from the position. The position has remained vacant due to the lack of any known potential candidate for the position given such prerequisite qualifications and experience.

The Committee would appreciate the input of a competent specialist who has experience in amusement equipment operation and maintenance and training of operators, but

The Association Rules Clause 5.8 (h) states as follows:

(h) The Technical Officer of the Australian Live Steamers Safety Committee shall advise the committee officers on design and safety matters and should have mechanical engineering experience and qualifications. He need not be a financial member of a member.

The requirement for the technical representative to have “mechanical engineering qualifications and experience” was obviously very laudable at the time of drafting the Rules. The word that has complicated the clause is the term “engineering”, which is generally defined in statutes and regulations as meaning a professionally qualified engineer. Sadly, our member clubs have few qualified mechanical engineers, and even fewer who want to volunteer for the position.

The Rules define the role of the Technical Representative of the AMBSC as follows:

(r) The Technical Adviser of the Australian Miniature Boiler Safety Committee shall advise the standing committee on design and safety matters as required. He need not be a member of an Australian Miniature Boiler Safety Committee Member.

The difference in technical and professional qualifications and experience is stark.

We propose that the qualifications and experience of the Safety Committee technical representative be expanded and made more flexible to enable a wider range of potential candidates to be able to consider offering their services, or being able to be approached to agree to accepting an appointment to the position.

(h) The Technical Officer of the Australian Live Steamers Safety Committee shall advise the committee officers on design and safety matters. The person may have mechanical engineering experience and qualifications and/or expertise in national occupational health and safety systems, codes, and standards as applied to amusement equipment. The person need not be a financial member of a member club.

We welcome comment and discussion.

Attachment 1

Extract of Clause 5.8 of AALS Standing Orders - Competent Person

(i) Company Members may appoint suitably qualified members to act as equipment inspectors of non-boiler plant and equipment belonging to the Member and/or its members.

(j) This inspector shall carry out necessary checks and inspections to ensure that equipment is suitable for its intended purpose, thereby reducing the risk of injury to the Public, visitors and members.

(k) Inspections shall be conducted annually and records of each inspection shall be kept for a minimum of five years.

(l) The selection of a suitable person to act as an equipment inspector and the inspection process are both detailed in Appendix 9 of the Company's Code of Practice.

(m) Selection of a person for appointment as equipment inspector shall be based on their expertise and integrity, and not as a popular vote at annual meetings of a Member.

(n) It is recommended, for insurance purposes, that the appointment or otherwise be confirmed at each annual meeting of a Member.

(o) The proposed equipment inspector's names, addresses, telephone numbers, qualifications and experience are to be forwarded to the Secretary Australian Live Steamers Safety Committee for ratification prior to the appointee assuming office.

(p) The officers of the Australian Live Steamers Safety Committee shall have the right to veto the appointment of any nomination.

(q) A duly appointed equipment inspector within the meaning of Standing Order 5.8(i) above, may at the request of another Member, and with the agreement of the equipment inspector, act as an equipment inspector for the requesting Member in the event of that Member not being able to appoint a suitable person.

(r) Each Member shall include with their return of 31st December each year, a statement by the equipment inspector or their independent inspecting engineer, attesting to the fitness, or otherwise, of the societies non-boiler plant and equipment for its intended use. Failure to include this information may result in insurance cover being withheld until the information is received by the A.A.L.S. Insurance Officer.

Attachment 2

Extract from Code of Practice for Operations

4.5 Owner/User Inspection of Non-Boiler Plant and Equipment

- 4.5.1 Boilers are to comply with the requirements of the Australian Miniature Boiler Safety Committee Code.
- 4.5.2 In the interest of assisting member societies with the further movement toward self regulation, this document offers guidelines for the selection of persons competent to inspect non-boiler items of plant and equipment owned by the society, and a minimum checklist of items to be inspected regularly.
- 4.5.3 Original design approval for certain items of plant and equipment should still be obtained in the first instance from a registered professional, and development approval if necessary should be obtained from the appropriate statutory authority.
- 4.5.4 After installation, it is acceptable that a competent person may be appointed to ensure that ongoing maintenance inspections of a society's non-boiler plant and equipment are carried out and records kept of these inspections. These inspections are the equivalent of, and are in lieu of, those inspections required as part of the Amusement Device registration.
- 4.5.5 If the statutory authority still requires an inspection as part of the amusement device registration then the requirements for those inspections take precedence over this procedure.
- 4.5.6 Professional inspections may be done at the discretion of an individual society.

4.6 Competent Person

- 4.6.1 A Competent Person must be appointed, whether from a society's membership or otherwise, and must comply with clause 4.6.2.
- 4.6.2 A Competent Person should be fully conversant with the AALS Code of Practice, and fulfil at least one of the following criteria:
 - 4.6.2.1 Hold a tertiary qualification in a mechanical or civil engineering field;
 - 4.6.2.2 Be able to demonstrate an extensive practical background in building or maintaining machinery and/or small structures. Any employment exposure to workplace health and safety practice would be desirable.
 - 4.6.2.3 Be able to demonstrate any other combination of qualifications and experience deemed to be acceptable by the society's executive.