

ONRSR Fact Sheet

Fatigue Risk Management in Queensland

June 2017

From 1 July 2017, specific fatigue management requirements will apply under the *Rail Safety National Law* for rail transport operators accredited for railway operations in Queensland.

What are a rail transport operator's fatigue risk management obligations?

A rail transport operator's general obligations regarding fatigue risk management include:

- > A duty to ensure, so far as is reasonably practicable, that rail safety workers do not carry out their work while impaired by fatigue or if they may become so impaired as defined in section 52(2)(d) of the *Rail Safety National Law* (RSNL).
- > A mandatory requirement for operators to include a fatigue risk management program as an element of their overall safety management system (section 116 of the RSNL).
- > Compliance with detailed fatigue risk management program requirements (contained in regulation 29 of the National Regulations), including a requirement for operators to determine safe hours of work and rest for rail safety workers.

Guidance on these requirements is included in the *Guideline on the Preparation of a Rail Safety Management System*, available on the ONRSR website.

For rail transport operator's accredited for railway operations in Queensland, additional mandatory requirements regarding the management of hours of work and rest apply to railway operations. These are set out in Part 2 of Schedule 2 to the *Rail Safety National Law National Regulations 2012* (National Regulations).

Which rail safety workers are affected?

The fatigue risk management program requirements apply to all rail safety workers. Part 2 of Schedule 2 to the National Regulations, however, applies only to railway operations within Queensland, and only in relation to rail safety workers who drive passenger and freight trains.

What are the additional requirements in Queensland?

Part 2 of Schedule 2 of the National Regulations details maximum shift lengths, maximum numbers of shifts which may be worked within certain periods and minimum periods between shifts for rail safety workers who drive freight and passenger trains. It also contains provisions to allow for these workers to travel as passengers in a train or other vehicle provided by the employer, to a home depot or rest place.

Maximum shift length applies depending on whether freight or passenger train, but if the rail safety worker is travelling to home depot or barracks (as a passenger in a train or other vehicle proved by the RTO) the period between sign on and sign off cannot be more than 16 hours.

This travel time, as a passenger at the completion of train driving duties, is not for the purpose of these provisions counted as part of a shift in relation to the 132 hours which cannot be exceeded in any 14 day period.

Importantly the provisions set a maximum shift length of 12 hours for a two-driver operation where the second person is a *qualified* train driver, and 9 hours where there is only one-driver. Where there are two persons but the second person is not a qualified train driver this is regarded as a one-driver operation.

The requirements of Part 2 of Schedule 2 do not apply in the event of particular unforeseeable circumstances, such as accidents or emergencies. Rail transport operators should refer to the National Regulations for definitions of these circumstances.

To be a qualified driver a person must be competent as per section 117 of the RSNL, including:

- Classroom training (completion of TLI42615 Certificate IV in Train Driving or other as per the ONRSR Application of the AQF to Rail Safety Worker Competence Assessment Policy).
- Practical training in traction and safeworking.

A second driver would be recognised as being qualified provided the above training has been completed but may be still learning a route or undergoing an assessment.

How do these requirements interact with the other obligations?

The limitations on hours of work and rest do not substitute for, or otherwise impact on, the obligation for rail transport operators to develop a fatigue risk management program and address the risks associated with fatigue. Operators must develop their own risk-based hours of work for rail safety workers who drive trains, within the boundaries specified in Part 2 of Schedule 2. This means that operators must determine what hours are appropriate for the operating conditions and the risks of the particular train-driving tasks.

The requirements do not preclude shorter shifts or more frequent breaks. Mere compliance with these outer limits, without a risk-based justification, would not meet the requirements of the RSNL or National Regulations.

For information on exemptions from fatigue requirements refer to ONRSR's Exemptions from the Rail Safety National Law Policy or contact ONRSR.