

# Drug and alcohol notifiable occurrence reporting by rail transport operators

**This document provides guidance on the submission of drug and alcohol notifiable occurrence reports to the Office of the National Rail Safety Regulator (ONRSR) under the Rail Safety National Law (RSNL).**

## Background

Accredited rail transport operators are required to submit drug and alcohol testing information via:

- > monthly returns
- > notifiable occurrence reports

## Monthly returns

Under RSNL National Regulation 56, monthly returns require data on the number of drug and alcohol tests conducted, including:

- > the type of tests conducted
- > the class of rail safety work undertaken
- > positive results
- > refusals

## Related documents

- > Monthly Return Form
- > Monthly Return Fact Sheet

## Notifiable occurrence reports

Notifiable occurrences are divided into Category A notifiable occurrences – incidents with **generally** more serious outcomes – and Category B notifiable occurrences – incidents that **generally** have less serious, but still significant, impacts.

Drug and alcohol occurrences are reported as Category B occurrences under RSNL National Regulation 57:

- > failure of the rail safety worker to submit to a test (RSNL National Regulation 57 (1)(b)(xxii))
- > test result that suggests the worker was in breach of the operator's Drug and Alcohol

Management Program (DAMP) (RSNL National Regulation 57 (1)(b)(xxia))

The operator is responsible for determining if the worker was in breach of its DAMP. A breach of the operator's DAMP would include a positive test result for any drug that is not permitted by the operator in accordance with its DAMP. Over-the-counter or prescription drugs *may* not be a breach *if* they comply with the DAMP's requirements for taking those drugs.

For a Category B occurrence, the operator must give a written report to the ONRSR within 72 hours after becoming aware of the occurrence (RSNL National Regulation 57(3)).

The *Notifiable occurrences notification form* must be used for reporting, unless the ONRSR has approved another form for an operator to use. Depending on the test type, the following sections should be completed:

- > Post-incident tests must be reported in Part H [Post-incident drug and alcohol testing summary], irrespective of the test result.
- > All other Category B drug and alcohol occurrences must be reported in Part E [Alcohol/drug irregularity – (breach/refusal)].

**Note: Railway operations in NSW** - If notification to the Regulator is required of a positive drug/alcohol test result under regulation 28(2)(b) of the National Regulations:

- > for post-incident tests – also use the NSW drug and alcohol testing incident notification form.
- > for all other Category B drug and alcohol occurrences – only use the NSW drug and alcohol testing incident notification form.

Further guidance is provided in Table 1 below.

## Related documents

- > Notifiable occurrences notification form
- > Drug and alcohol testing undertaken in NSW notification form
- > Requirement for Rail Transport Operators to Report Notifiable Occurrences fact sheet

# ONRSR Fact Sheet

## Drug and alcohol notifiable occurrence reporting by rail transport operators

Table 1 – Guidance for completing the notifiable occurrences notification form

Issue	Response	Form
Who is responsible for reporting the D&A test?	The operator under whose DAMP the testing is being undertaken	Notifiable occurrences form
What should be included in the description of the occurrence?	Information on the number of persons tested, their roles and the time of tests	Part E (additional details can be included in Part C if known)
Rail safety worker – what is the meaning of ‘other’?	‘Other’ means rail safety workers whose roles are not listed on the form, NOT people who are not rail safety workers.	Part E
Should an operator indicate if a drug test returns a positive result?	Yes, if a drug test result was a breach of the DAMP.	Part E
Should results be reported of initial on-site drug tests, confirmatory laboratory tests or both?	The operator must report confirmatory laboratory test results for drugs where there was a breach of the DAMP.	Part E (additional details can be included in Part C if known)
Where should post-incident tests be reported?	Notifiable occurrences form - Part H	Part H