

Drug and alcohol management requirements for railway operations in NSW (Summary)

Fact Sheet 8a – June 2013

Rail transport operators' drug and alcohol management obligations

A rail transport operator's obligations regarding drug and alcohol management include:

- A duty to ensure that rail safety workers do not carry out rail safety work, and are not on duty, while impaired by alcohol or a drug as defined in section 52(2)(c) of the Rail Safety National Law (RSNL).
- A mandatory requirement for operators to include a drug and alcohol management program as an element of their overall safety management system (section 115 of the RSNL).
- Compliance with detailed requirements for the drug and alcohol management program (contained in regulation 28 of the National Regulations), including a requirement for operators to include details of a drug and alcohol testing regime, including testing procedures.

Guidance on these requirements is included in the [Guideline on the Preparation of a Rail Safety Management System](#), available on the ONRSR website.

Additional requirements regarding the operator's drug and alcohol testing regime apply to railway operations in New South Wales and are specified in regulation 28(2) of the National Regulations.

What are the requirements in New South Wales?

Rail transport operators in New South Wales, which are not heritage operators (as defined in regulation 28(7) of the National Regulations), must undertake random breath or urine testing of not less than 25% of their rail safety workers each year. Operators may choose to conduct other forms of testing, such as oral fluid testing, but this cannot form part of the 25% of random testing.

Additionally, if a rail safety worker is involved, or is reasonably suspected of having been involved, in certain prescribed incidents (being those listed under regulation 28(7) of the National Regulations), the operator must, unless there is a reasonable excuse not to, require the worker to undergo drug and alcohol testing within 3 hours.

Further information

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The testing must be carried out by an authorised person, appointed under the Rail Safety National Law, in accordance with the legislative requirements. However, a person who was a testing officer immediately before the commencement of the RSNL will be taken to be an authorised person for a period of six months after commencement. Further information on the requirements of drug and alcohol testing can be found in the *Rail Safety (Adoption of National Law) Regulations 2012* (NSW).

Specified non-negative and positive test results, and any incidents of refusals or tampering, must be reported to the National Rail Safety Regulator.

How do these requirements interact with the other obligations?

The requirements of regulation 28(2) do not substitute for, or otherwise impact on, the standing obligation for operators to develop a drug and alcohol management program and address the risks associated with drug and alcohol use. This means operators must determine what level of testing and type of testing is appropriate for their particular operating conditions and the risks of the tasks undertaken by their rail safety workers within the boundaries specified in the regulations.

Mere compliance with prescribed requirements of regulation 28(2), without a risk-based justification, would not meet the requirements of the Rail Safety National Law or Regulations.

Rail safety worker duties and obligations are described in the *ONRSR Factsheet: Duties of Rail Safety Workers*.