

ONRSR Drug & Alcohol Testing – NSW

Information for Rail Transport Operators



This testing is in addition to the drug and alcohol testing you undertake as part of your DAMP

Under the Rail Safety National Law (RSNL) a rail safety worker (RSW) must not carry out or attempt to carry out rail safety work while there is alcohol in his or her breath or blood, or a prescribed drug in his or her oral fluid or blood (s. 128). The meaning of 'prescribed drug' is set out in s. 128.

To manage the risk to safety of RSWs undertaking rail safety work whilst under the influence of drugs or alcohol, rail transport operators (RTOs) are required to have a Drug and Alcohol Management Program (DAMP) in place which includes a testing regime (reg. 28 of the RSNL National Regulations).

To complement this and to ensure compliance with the RSNL, the Office of the National Rail Safety Regulator (ONRSR) has implemented its drug and alcohol testing program in line with the provisions contained in Part 3 Division 9 of the RSNL.

There are three primary objectives of the program:

1. To improve safety by reducing risks associated with RSWs undertaking work while under the influence of drugs and/or alcohol (ie by being a deterrent)
2. To monitor compliance with the Law
3. To monitor the effectiveness of an RTO's DAMP.

NSW RTO drug and alcohol testing obligations remain unchanged. Further detail on drug and alcohol testing in NSW is included in the *Rail Safety (Adoption of National Law) Regulation 2012*.

The ONRSR program will primarily consist of programmed ('non incident related') testing of RSWs. Programmed testing includes intelligence-led risk-based testing and random testing. The ONRSR will not typically undertake post-incident testing, but will have the power to do so.

ONRSR has appointed Medvet Science Pty Ltd (Medvet) to undertake testing on its behalf. Medvet testers will arrive unannounced on site to conduct drug and alcohol testing of RSWs. They are appointed by the Regulator as authorised persons and will carry identity cards, which will be produced upon request.

Important information for RSWs

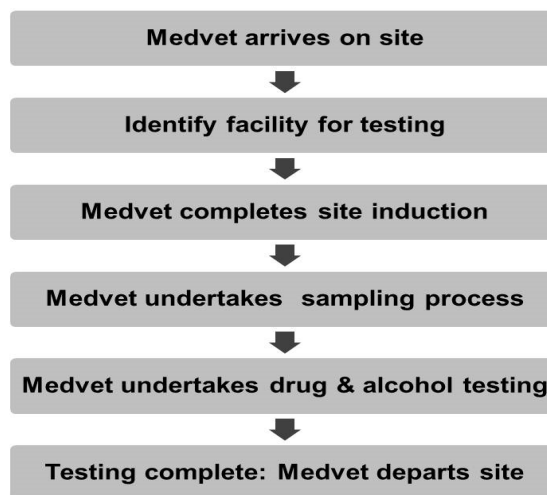
A RSW must not carry out or attempt to carry out rail safety work while there is alcohol in his or her breath or blood, or a prescribed drug in his or her oral fluid or blood. Offences in relation to the program include:

- > presence of alcohol in the RSW's breath or blood, or a prescribed drug in oral fluid or blood

- > if a RSW is under the influence of alcohol or drugs
- > if a RSW refuses a test
- > if a RSW does not follow the direction of an authorised person (Medvet tester).

The maximum penalty for these offences is \$10,000.

Drug and alcohol testing process



What happens if a non-negative test result is received from a screening test?

- > Confirmatory drug testing

Medvet will undertake confirmatory test

- Medvet will take an oral fluid sample for laboratory testing

DAMP is activated

- Medvet will notify your representative that a non-negative result has been received
- Your representative will need to manage potential safety implications and trigger your DAMP eg. remove the RSW from rail safety work; review the potential for any error in work already undertaken; and other processes as per your DAMP

Test results from laboratory

- ONRSR will normally advise you of test results within 4-5 working days
- You are required to advise the RSW of the test results

- > Confirmatory alcohol testing

Medvet notifies of non-negative result

- Medvet will notify your representative that a non-negative result has been received and request they accompany Medvet and the RSW to a police station for breath analysis testing
- Your representative will also need to manage the potential safety implications and trigger your DAMP

Police undertake confirmatory breath analysis test

- Medvet tester and your representative accompany the RSW to the police station for a breath analysis test

Immediate breath analysis result

- The test result will be available immediately

For more information about the ONRSR drug and alcohol testing program call (08) 8406 1500.