

Appointment of authorised persons to conduct drug and alcohol testing in NSW

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This document provides guidance on the appointment of authorised persons to conduct drug and alcohol testing in NSW under the *Rail Safety National Law (RSNL)*.

Background

Drug and alcohol testing in New South Wales (random, targeted and post-incident testing) must be carried out by an authorised person, appointed under the RSNL.

Authorised persons are required to hold an identity card, issued by the NSW Branch of the Office of the National Rail Safety Regulator (ONRSR) under section 125 that must be produced on request to any person subject to the directive power of the authorised person. The NSW Branch of the ONRSR has sub-delegated the power to appoint authorised persons to sub-delegated position holders employed by rail transport operators or individuals employed by third party service providers (ie the rail transport operator has the sub-delegated authority to appoint authorised persons).

An operator does not need to nominate a position holder within their organisation if they intend to use an authorised person appointed by another rail transport operator or third party service provider to conduct their drug and alcohol testing.

Instrument of sub-delegation

When the ONRSR NSW Branch Director receives a nomination form for a position holder or individual to appoint authorised persons, the Branch Director will sign a formal sub-delegation authorising the sub-delegate to appoint authorised persons who meet the necessary qualifications and experience requirements. An organisation may nominate a maximum of three position holders or individuals at any one time to receive the sub-delegation.

Appointment of authorised persons

In appointing authorised persons, the sub-delegate must be satisfied that each appointee:

- has successfully completed training based on the model drug and alcohol testing training course published on the ONRSR website (www.onrsr.com.au);

- is competent in the use of breath testing devices that comply with the requirements of AS 3547-1997, *Breath alcohol testing devices for personal use*, or of a type approved by the Governor by order published in the Gazette for the purposes of the *Road Transport (Safety and Traffic Management) Act 1999* and/or the *Road Transport Act 2013*; and
- if the organisation does not use a collecting agency, the person has knowledge of AS/NZS 4308:2008, *Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine*, including knowledge of the operator's procedures that comply with this standard.
- On receipt of that certification together with copies of the instruments of appointment and passport-style photographs in electronic format, the ONRSR NSW Branch Director will issue an identity card for each authorised person.
- Identity cards of persons who cease to be authorised persons must be returned to the ONRSR as soon as practicable, using the notification form for lost/stolen, damaged/illegible or cancelled cards.
- Forms for nomination of a sub-delegated position, notification of appointment of authorised persons, and notification of lost/stolen, damaged/illegible or cancelled cards, and a template instrument of appointment, are published on the ONRSR website (www.onrsr.com.au).

Issue of identity cards

- Organisations are required to notify the ONRSR of the name of person/s appointed as authorised persons permitted to undertake drug and alcohol testing.
- The sub-delegate is required to certify by statutory declaration that each appointed authorised person has met the necessary qualifications and experience requirements.

Further enquiries

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