

Policy

Application of the AQF to rail safety worker competence assessment

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Policy changes to version 3.0

- > Implementation of new ONRSR template
- > New section on record-keeping added
- > Edits to reflect changes to section 117 of the RSNL to remove reference to AQTF (legislative changes commence 1 July 2016), including a change to the document name
- > Inclusion of principles for demonstrating competence using alternative approaches to the AQF

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1. Purpose

The purpose of this policy is to set out the principles for determining whether a rail transport operator has assessed the competence of its rail safety workers in accordance with the *Rail Safety National Law* (RSNL).

2. Background

ONRSR has been established under the RSNL to administer a national system of rail safety regulation, including the effective management of rail safety risks through a national scheme for accreditation of rail transport operators.

Under the RSNL, a rail transport operator must ensure that each rail safety worker who is to carry out rail safety work in relation to its railway operations has the competence to carry out that work. Further, the competence of rail safety workers must be assessed by an operator in accordance with any applicable qualification and units of competence recognised under the Australian Qualifications Framework (AQF).

The requirement to assess rail safety worker competence in accordance with the AQF does not apply, however, if it is not reasonably practicable to do so. Instead, the operator must satisfy ONRSR that the worker has otherwise acquired the necessary qualifications and competencies applicable to that rail safety work, and the worker has the knowledge and skills that would enable that worker to carry out this work safely.

3. Scope

This policy applies to determinations of whether an accredited operator has satisfied the competence requirements under s117 of the RSNL.

It is intended to be read in conjunction with the legislation and other relevant ONRSR policies. The policy itself imposes no legal duty and where actions or requirements are described as mandatory, these reflect requirements in the RSNL or National Regulations. It is not intended to replace the legislation, or to limit or expand the scope of the legislation. In the event of an inconsistency between this policy and the legislation, the legislation will prevail.

Additional guidance on ensuring rail safety worker competence is available in the *ONRSR Preparation of a rail safety management system guideline*.

4. Definitions

Definitions provided by the RSNL and the National Regulations apply within this policy.

RSNL – means the *Rail Safety National Law*, which has been enacted as a Schedule to the *Rail Safety National Law (South Australia) Act 2012 (SA)*, as it applies in each state and territory. In Western Australia, 'RSNL' means the Rail Safety National Law which has been enacted as mirror legislation in the *Rail Safety National Law (WA) Act 2015*.

National Regulations – means the *Rail Safety National Law National Regulations 2012*; or the *Rail Safety National Law (WA) Regulations 2015* in Western Australia.

Where terms are not defined within the legislation or regulations the Macquarie Dictionary definition applies.

Use of the word 'should' indicates a recommendation of the ONRSR. However, the rail transport operator is free to follow a different course of action provided it complies with the legislation. Use of the word 'must' indicates a legal requirement where compliance is necessary.

5. Legislative framework

Section 117 of the RSNL imposes obligations on rail transport operators to ensure that each rail safety worker who is to carry out rail safety work in relation to the operator's railway operations (being those for which the rail transport operator is required to be accredited) has the competence to carry out that work safely. There are also related safety duties in section 52.

In undertaking the assessment of competence of its rail safety workers, the rail transport operator must undertake the assessment:

- > in accordance with any qualification and units of competence recognised under the Australian Qualification Framework (AQF) applicable to the particular rail safety work; and
- > by reference to the knowledge and skills of the worker that would enable the worker to carry out the rail safety work safely.

Where a rail transport operator has determined that it is not reasonably practicable to assess competence in accordance with the AQF, the operator must be able to satisfy ONRSR that:

- > the worker has otherwise acquired the necessary qualifications and competencies applicable to that particular rail safety work; and
- > the worker has the knowledge and skills that would enable the worker to carry out the particular rail safety work safely.

Nothing in the RSNL removes the obligation for a rail transport operator or other person to use the AQF in the attainment of competencies and qualifications required for licenses or other permissions that are set out in any other law.

6. Interpretation of AQF requirements

The assessment of competence in accordance with the AQF means that a rail safety worker has an AQF qualification. This may be for a single or multiple units of competence, and is normally evidenced by a certificate of attainment with the AQF logo or the words "*This qualification is recognised within the Australian Qualifications Framework*". The certificate can only be issued by registered education and training providers, and the rail transport operator must keep records of these (refer to regulation 30 for details of what must be kept).

A rail safety worker who has attained an AQF qualification may use that qualification anywhere in Australia. AQF qualifications are available in all types of education, from school, to vocational education and training (VET), to higher education. In the VET sector, Registered Training Organisations (RTO) are authorised to issue AQF qualifications by the VET regulator for that state/territory. Although a qualification is evidence of certain skills and knowledge, it does not on its own demonstrate competence in every rail environment.

An AQF qualification must be applicable to the rail safety work that a worker is required to undertake for the rail transport operator. This means that it must enable the rail safety worker to safely operate the specific equipment used by the rail transport operator, for example.

To demonstrate that it is appropriate, ONRSR expects that an operator has undertaken a risk assessment (s100) and task analysis. This shows that the operator has considered the safety risks of the work and what skills and knowledge is required to undertake it safely, so far as is reasonably practicable.

This assessment should then include consideration and selection of AQF units of competence or qualifications that provide training on what is required for the work. Normally the AQF will

only form one part of the competence required, and additional training and instruction is required to ensure the worker can operate safely in the specific operating environment.

In summary, the rail transport operator will need to have a process for determining:

- > what skills, experience and knowledge are required for the specific work and railway operations
- > what AQF units of competence and qualifications would enable the attainment of these (and whether the worker has these or needs to attain them)
- > what additional skills and knowledge are required.

The RSNL does not prescribe what AQF units of competence or qualifications must be obtained for the types of rail safety work. Given the range of competence units that exist and the various ways that competencies can be combined and tailored to deliver qualifications that are specific to various workplaces, ONRSR will not expect operators to have AQF competence units or qualifications simply because it exists.

ONRSR will give consideration to the rail transport operator's use of competencies and qualifications that, in the ONRSR's experience, have been adopted as standard practice by rail transport operators undertaking a similar scope of railway operations. To support this, ONRSR will maintain a working knowledge of the available competencies and qualifications relevant to rail safety work within the vocational education and training sector.

ONRSR will examine the implementation of a rail transport operator's procedures for appropriately identifying, tailoring and applying applicable units of competence and qualifications in relation to the rail transport operator's specific railway operations, and in context with the operator's identification and use of competence as a risk control for ensuring the safety of its operations. The ONRSR will also examine whether a rail transport operator has determined whether additional training and/or assessment is needed to complement an AQF competence.

7. Assessing whether use of the AQF is reasonably practicable

The RSNL places the obligation on the rail transport operator to take all reasonable steps to assess competence in accordance with the AQF. It also acknowledges that there may be circumstances where it is not reasonably practicable to meet this requirement. Rail transport operators considering whether they can use alternative approaches are encouraged to contact ONRSR for advice before implementation.

- > the competency unit not being scalable to the risk profile of the rail transport operator (i.e. the assessment requirements set out for the competence are unreasonably onerous for the scale and type of rail transport operator in question);
- > the content of the competency unit not being relevant to the specific railway operations being conducted despite its title or apparent applicability;
- > in the case of a qualification, it not being necessary for a rail safety worker to complete all competency elements of a qualification in order to meet the rail transport operator's requirements for ensuring a rail safety worker can undertake the rail safety work safely; or
- > no applicable competency unit or qualification exists.

Access to registered education and training provider (usually an RTO) to deliver the AQF training may also be acknowledged in determining whether it was reasonably practicable to use the AQF, where:

- > no RTO that offers the competency or qualification is prepared to appropriately tailor their product to the specific railway operations of a rail transport operator

- > engaging an RTO will incur a significant cost to a rail transport operator that will adversely impact on the operator's ability to address more immediate risks to safety
- > a combination of remoteness of the railway operations and the scale of operations means that it is financially prohibitive to bring an RTO to the workplace or to release rail safety workers for travel to attend an RTO
- > the nature of the rail safety worker workforce is such that it is not practicable to have the workers attend an RTO program and still be reasonably available to undertake the rail safety work (e.g. the workforce consists of volunteers that are only available to the operator for limited periods).

8. Alternative approaches to the AQF

In making the case that use of the AQF is not reasonably practicable, the rail transport operator must satisfy ONRSR that the rail safety worker has otherwise attained the necessary qualifications and competencies applicable to their duties, and they have the knowledge and skills to perform them safely.

Alternative approaches may include recognition of prior experience, use of industry qualifications or training and assessment packages/ standards, modifying existing AQF competencies, or in-house training and/or assessment (called 'enterprise attainment') – or a combination of these.

It is preferable that training and assessment align with the AQF as much as possible, and where appropriate. Similarly, alternative qualifications should use an RTO or certificate IV trainer and assessor so far as is reasonably practicable.

In making the decision to be satisfied the ONRSR will consider whether:

- > the rail transport operator's approach to assessing competence is appropriate having regard to the scale, nature and risk profile of their operation, and
- > the rail transport operator recognises its responsibility to ensure that the rail safety worker has the competence to carry out assigned rail safety work, and
- > the rail transport operator's approach to assessing the competence of rail safety worker does not compromise safety, i.e. that it ensures the elimination or minimisation of risks to the railway operations, so far as is reasonably practical.

ONRSR will also consider whether the approach taken by the rail transport operator is consistent with the principles of competence based training and assessment, in that:

- > competencies required for the rail safety worker to safely carry out their duties have been established, these should be expressed in a similar manner to competencies established under the AQF in that a competency statement should set out, in writing:
 - the skills and knowledge a person is required to have to operate effectively in order to achieve the intended outcome of work
 - how this would be assessed, for example by one or a combination of written examination, observation on the job, practical exercise or simulation
 - the range of circumstances in which the skills and knowledge would have to be demonstrated
 - the types of evidence needed to ensure that performance is consistent and can be sustained

- any similar AQF based competency has been considered in terms of adopting appropriate assessment criteria
- > the content and persons delivering the training (including on the job and off the job training where appropriate) are appropriate i.e. it would be expected that persons delivering the training would, as a minimum, hold current competence in the training being delivered
- > suitable and qualified persons, being independent from those providing the training, are engaged to assess the competence of the rail safety worker
- > persons performing assessments of competence hold, as a minimum, a Certificate IV in Training and Assessment or equivalent
- > the assessor is familiar with the work to be undertaken by the rail safety worker and the associated risks.

The rail transport operator's alternative assessment of competence procedures will need to be fully documented. This documentation will be examined by ONRSR along with any records of assessment that have been undertaken, in determining whether ONRSR is satisfied with the approach.

9. Satisfaction of ONRSR

ONRSR does not require operators to submit their decisions or alternative arrangements for approval (unless there is a specific condition on an operator's notice of accreditation). These instead must be available to be examined at the discretion of ONRSR at any time.

ONRSR will expect to see that AQF has been considered with justification of why it was not reasonably practicable to use it. The rail transport operator must have their assessment documented and it should be periodically re-assessed.

Where ONRSR is not satisfied with the rail transport operator's justification, it may take actions to require the operator to better incorporate the AQF to its rail safety worker procedures and standards.

The decision by ONRSR that it is satisfied with the rail transport operator's approach to the assessment of competence is not a one off approval. ONRSR will not issue a notice of satisfaction, although, ONRSR may consider imposing a condition or restriction on an operator's accreditation in order to secure the ongoing application of the operator's approach. This decision will be made on a case-by-case basis.

ONRSR expects rail transport operators be informed of AQF developments, particularly new units of competence or qualifications that may be applicable. Operators should regularly review their competency arrangements to ensure they remain suitable and use the AQF where reasonably practicable.

If an AQF recognised unit of competence or qualification does become available or an existing one is updated, ONRSR will not expect rail safety workers that have been assessed as competent under the operator's alternative approach to be immediately re-assessed.

However, ONRSR will expect the operator to implement the use of the new or updated unit of competence or qualification within a reasonable period and that any new assessment, or re-assessment, of worker competence by the operator be undertaken in accordance with the AQF as set out in s117(2) of the RSNL.

10. Record keeping

The records of training and qualifications attained by a rail safety worker must be maintained by the rail transport operator as evidence of that competence. Regulation 30 specifies what records what must be kept.

These records provide evidence of rail safety worker competence and the operator's process for ensuring competencies are up to date. ONRSR will also expect to see evidence of the assessment of competence requirements, to demonstrate that it is suitable for their operations.