



What are rail transport operators' drug and alcohol management requirements?

These 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 (section 52(2)(c) of *the Rail Safety National Law* (RSNL))
- > the implementation of a drug and alcohol management program (DAMP) as an element of their safety management system (section 115 of the RSNL)
- > compliance with prescribed requirements for DAMPs (contained in regulation 28 of the RSNL National Regulations 2012), including a requirement to include details of their drug and alcohol testing regime, including testing procedures and procedures for the management of rail safety workers in respect of the results of such testing

Guidance on these requirements is included in the *Guideline on the Preparation of a Rail Safety Management System*, available on ONRSR's website.

Additional requirements apply to railway operations in New South Wales and are specified in National Regulation 28(2).

What are the additional requirements in New South Wales?

Rail transport operators in New South Wales, which are not heritage railways (as defined in National Regulation 28(7)), 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 specified in National Regulation 28(2)(a)(i).

Additionally, if a rail safety worker is involved, or is reasonably suspected of having been involved, in a prescribed incident (as defined in National Regulation 28(7)), the operator must, unless there is a reasonable excuse not to, require the worker to undergo drug and alcohol testing within three hours (National Regulation 28(2)(a)(ii)).

The testing must be carried out by an authorised person, appointed by the operator under the RSNL.

Positive test results, and any incidents of refusals or tampering, must be reported to the National Rail Safety Regulator under National Regulation 28(2)(b). These include the drug and alcohol notifiable occurrences which must be reported under National Regulation 57.

Further information on the NSW drug and alcohol testing requirements can be found in the *Rail Safety (Adoption of National Law) Regulation 2012* (NSW).

How do these additional NSW requirements interact with the other requirements?

The requirements of National Regulation 28(2) do not substitute for, or otherwise impact on, the standing obligation for operators to develop a DAMP 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 the prescribed requirements of National Regulation 28(2), without a risk-based justification, would not meet the requirements of the RSNL or Regulations.

Rail safety worker duties and obligations are described in the ONRSR factsheet: *Duties of rail safety workers*.