



# Rail Industry Safety Notice



RISN No. 13

## ACCREDITED RAILWAY OPERATOR'S OBLIGATIONS TO ENSURE THAT THEIR RAILWAY EMPLOYEES ARE COMPETENT

### Background

A number of incidents and inspections have highlighted the need to remind accredited operators of their responsibilities for ensuring that all railway employees<sup>1</sup> are competent to undertake railway safety work<sup>2</sup>

### Action

Sections 36-40 of the Rail Safety Act 2002 requires rail operators to ensure that their railway employees:

- are adequately trained to perform the functions for which they are certified;
- hold an appropriate certificate of competency; and
- are of sufficient good health and fitness to perform the functions for which they are certified.

The engagement of personnel from labour hire companies or other accredited railway operators does not excuse the railway operator from the obligation to ensure the competence of all railway employees engaged to undertake railway safety work for, or on behalf of their organisation.

Accredited rail operators are required to have the capacity to assess the competence of their railway employees undertaking railway safety work, and the adequacy of their training to perform the functions for which they are certified. The New South Wales Safety Management Systems (NSW SMS) Guideline (which adopts the mandatory requirements of the National Rail Safety Accreditation Package (NAP)) provides guidance on the

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<sup>1</sup> **railway employee**, in relation to a railway means:

- (a) an employee or contractor of an operator of the railway who performs railway safety work, or
- (b) a person who, without remuneration or reward, voluntary and without obligation performs railway safety work for an operator of the railway, or
- (c) an individual who is an operator and who performs railway safety work (S4, Rail Safety Act 2002)

<sup>2</sup> **rail safety work**, means any of the following classes of work carried out by a railway employee:

- (a) work involving the operation or movement of a train or trains,
- (b) work on or about railway infrastructure relating to repair, maintenance, cleaning or upgrading of railway tracks or any rolling stock or associated works or equipment,
- (c) work involving certification as to the safety of infrastructure or safeworking systems for railways,
- (d) any other work that is prescribed by the regulations as railway safety work.

But does not include any work that involves the driving of a motor vehicle or a road or road related area within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*.



processes and programs that accredited rail operators must have in place to meet these requirements.

Sections 36-40 of the Rail Safety Act 2002, the Guidelines for Certification of Competency and the SMS Guideline provide further guidance on these requirements.

A copy of the Certificates of Competency - ITSRR Fact Sheet is attached as supplementary information.

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