



APPLICATION FOR EXEMPTION FROM SCHEDULE 2 (FATIGUE MANAGEMENT) OF THE RAIL SAFETY ACT 2008 – FORM 9

Background

In accordance with section 20(2) of the *Rail Safety Act 2008* rail transport operators must provide conditions of work in accordance with Schedule 2 of the Act pertaining to rail safety workers who drive trains.

However, rail transport operators may apply, in writing, for an exemption from the requirements of section 20(2) pursuant to clause 14 of the *Rail Safety (General) Regulation 2008*.

This document provides details of the approved form of documentation required by ITSRR in order to process an application for exemption in accordance with Clause 14(3) of the *Rail Safety (General) Regulation 2008*.

ITSRR will notify the applicant in writing if an application is approved, if further information is required, or if the application is rejected. Approved applications will be granted a Notice of Exemption.

APPROVED FORM OF DOCUMENTATION

1. APPLICANT INFORMATION

Name of accredited rail transport operator:

Trading name (if appropriate):

Name of application key contact representative:

Position/title:

Telephone No:

Facsimile No:

Email:

2. SUMMARY OF THE PROPOSAL FOR EXEMPTION

Please complete the following items which set out your exemption proposal.*

a. List each of clauses of Schedule 2 for which an exemption is sought:

b. Specify which part or parts of the railway operations will be subject to the exemption:

*Attach additional sheets, or list supporting evidence and attach materials, if more space is required.

c. Outline the operating standards that will replace the clauses for which the exemption is sought:

d. Specify the period for which the exemption is sought:

3. RISK MANAGEMENT DOCUMENTATION

Please provide information on the following items to demonstrate that you have satisfied the requirements of Clause 14(2)(a)-(c) of the *Rail Safety (General) Regulation 2008**:

a. The fatigue-related safety risks you identified that are associated with the operations for which the exemption is sought, including any risks associated with any proposed operating standards:

b. The outcomes of your assessment of the fatigue-related safety risks you identified:

c. The fatigue management-related controls for those risks that you have identified (including operating standards to replace the relevant clauses of Schedule 2) and how you determined that the controls were adequate to ensure safety so far as is reasonably practicable:

*Attach additional sheets, or list supporting evidence and attach materials, if more space is required.

d. The evidence used to develop the operating standards including any supporting research evidence, authoritative guidance, data and other contextual considerations such as operational and industrial issues that may impact on fatigue:

e. The consultation processes with those of your rail safety workers likely to be affected by the proposed standards and associated changes to the safety management system:

f. The system to monitor and report on the operation of the controls to manage the risks, which is a system that is capable of monitoring actual hours worked against the operating standards, and how you propose to audit the operation of that system:

g. The procedures for monitoring, reviewing and revising the adequacy of operating standards and fatigue management controls to determine that they continue to be valid for the operating conditions and that they ensure safety so far as is reasonably practicable. Note that these procedures should include information on how and when approval will be sought from ITSRR for any changes to the operating standards as required by Clause 14(2)(c) of the *Rail Safety (General Regulation) 2008* cl 14(2)(c):

Signature of rail transport operator representative:

Title:

Date:

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This information is collected in accordance with the *Privacy & Personal Information Protection Act 1998 (NSW)* and the *Health Records and Information Privacy Act 2002 (NSW)*. The information will be treated confidentially.

*Attach additional sheets, or list supporting evidence and attach materials, if more space is required.