

Appendix to *National Rail Safety Guideline for Preparation of a Rail Safety Management System: NSW*

Purpose	This Appendix details the way in which the ITSRR implements the <i>National Rail Safety Guideline for Preparation of a Rail Safety Management System</i> and explains differences between the <i>Rail Safety Act 2008</i> (the NSW Act), and the <i>Rail Safety (General) Regulation 2008</i> and the <i>Rail Safety (Drug and Alcohol Testing) Regulation 2008</i> (the Regulations), and the National Model Legislation in respect of safety management systems.
Scope	The ITSRR implements the <i>National Rail Safety Guideline for Preparation of a Rail Safety Management System</i> consistently with the NSW Act and Regulations.
Steps in the management of rail safety worker competence	Section 2.24.3 of the <i>National Rail Safety Guideline for Preparation of a Rail Safety Management System</i> is also a guideline for the purposes of providing rail transport operators with guidance on how to comply with section 21 of the NSW Act.
Goals of safety management systems	<p>The ITSRR administers rail safety by ensuring rail operators have safety management systems that meet legislated requirements with the goals of:</p> <ul style="list-style-type: none"> ➤ educating the rail community, and taking action to improve rail operators' motivation and capacity to pro-actively manage safety and establish a continually improving safety culture; ➤ taking appropriate compliance and enforcement action to ensure persons undertaking railway operations meet their obligations to comply with the rail safety legislation; and ➤ protecting the rail community and the public from those persons who cannot, or will not, operate in accordance with mandatory safety obligations.
Differences between the NSW Act and Regulations and the National Model Legislation in respect of safety management systems	
Health and fitness management program requirement	<p>The National Model Legislation requires that a health and fitness management program must comply 'so far as is reasonably practicable' with the <i>National Standard for Health Assessment of Rail Safety Workers</i>, published by the National Transport Commission, as amended from time to time.</p> <p>The NSW legislation maintains the requirements for health assessment of the <i>Rail Safety Act 2002</i> (NSW) and, as a result, 'so far as is reasonably practicable' is not included in the NSW Act and Regulations. That is, in NSW a health and fitness management program must comply with the <i>National Standard for Health Assessment of Rail Safety Workers</i>.</p>
Fatigue management	The NSW Act and Regulations make extensive provision in respect of management of fatigue in rail safety workers

Appendix 1 to National Guideline for the Preparation of a Rail Safety Management System: NSW

	<p>including:</p> <ul style="list-style-type: none"> ➤ a requirement for rail transport operators to have a fatigue management program, which is part of their safety management system; ➤ minimum work conditions for certain rail safety workers relating to the length of their working shift and their behaviour between shifts (Schedule 2 of the NSW Act); ➤ the circumstances in which an operator is able to apply for exemption from the NSW Act requirement that operators provide certain rail safety workers with work conditions consistent with Schedule 2; ➤ specific matters to be considered in preparing the operator's fatigue management program; ➤ specific matters which must be addressed or included in the operator's fatigue management program. <p>For further information on fatigue management requirements of the NSW Act and Regulations, refer to the Fatigue Management Fact Sheet on the ITSRR website www.transportregulator.nsw.gov.au</p>
<p>Drug and alcohol management</p>	<p>The NSW Act provides that operators must have a 'drug and alcohol management program' for rail safety workers. This must include:</p> <ul style="list-style-type: none"> ➤ protocols for fair procedures; ➤ education and assistance of rail safety workers; and ➤ matters set out in the Regulations. <p>The Regulations cover:</p> <ul style="list-style-type: none"> ➤ matters to be included in drug and alcohol management programs; ➤ offences relating to alcohol and drugs; and ➤ procedures for random and targeted testing of rail safety workers and the treatment of any resulting evidence from that testing. <p>For further information on drug and alcohol management requirements of the NSW Act and Regulations, refer to the Drug and Alcohol Management Frequently Asked Questions on the ITSRR website www.transportregulator.nsw.gov.au</p>
<p>Immediate reporting of notifiable occurrences</p>	<p>Both the NSW Regulations and the National Model Regulations require that Category A Notifiable Occurrences be reported in writing to the ITSRR within 72 hours.</p> <p>In NSW, the Office of Transport Safety Investigations (OTSI), headed by the Chief Investigator, has been established as an</p>

Appendix 1 to National Guideline for the Preparation of a Rail Safety Management System: NSW

	<p>independent body to investigate safety occurrences involving bus, ferry and rail transportation.</p> <p>Under the NSW Regulations, a Category A Notifiable Occurrence on, or in relation to, a rail transport operator's railway premises or railway operations, must also be reported by the operator to the Chief Investigator "by telephone as soon as practicable" after the operator is aware of the occurrence. The National Model Legislation requires that the occurrence to be reported "immediately" but does not specify the means of notification.</p> <p>The obligation to report Category B notifiable occurrences is the same in the NSW Regulations and the National Model Regulations ie in writing within 72 hours after becoming aware of the occurrence.</p>
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