

Rail Safety Work Definition

1. Purpose of Item

To consider a proposal developed by Industry to narrow the definition of Rail Safety Work (RSW) in the Rail Safety National Law (RSNL).

2. Background

Industry has cited issues with the definition of RSW for a number of years. Although efforts have been made to address industry's issues, the definition remains broad and is open to broad interpretation which can result in employees who have no impact on safety being unnecessarily classified as Rail Safety Workers.

The current definition creates a burden for industry financially and administratively. From a financial perspective, Rail Safety Workers require health assessments and the completion of various national competencies. On average, the initial expense for a Rail Safety Workers ranges between approx \$2000 - \$3000 per Rail Safety Worker to be able to commence work. Maintaining the currency and renewal of health assessment and competencies is an administrative burden for industry.

At the 30 November 2017 RSNL MAG meeting, the following was agreed in relation to the Definition of RSW:

It was acknowledged that consideration could be given to narrowing the definition of rail safety work as long as it did not introduce a safety risk. The issue requires further development and will not be developed in time for the current amendment package.

Action: ARA to initially undertake further work with industry to develop options and then to engage with ONRSR and NTC.

3. Discussion

Industry believes the definition of RSW should:

- be based on the task or function being undertaken,
- focus only on those who have a direct impact on rail safety operations, and
- not be based on location.

To implement the above principles, Industry proposes:

1. Removing the link to location as a determinant of RSW
2. Reinforcing the need for Rail Safety Workers to have a direct impact on the safety of rail operations
3. The identification of tasks/functions not classified as RSW
4. Supporting any changes with guidance materials and industry education

In addition, an ability for industry to seek RSW classification exemptions from ONRSR on a case-by-case basis would also be beneficial.

Attached is a full proposal developed by Industry. The proposal illustrates how these proposed principles could be implemented. Whilst industry has made edits to the RSNL, industry provides these edits to articulate the proposed policy solution and recognises that any actual amendments to the RSNL would need to be penned by qualified legislative drafters.

Industry believes that implementing the policies outlined in this proposal will achieve more consistent application of the RSNL. This will provide greater clarity for the regulator and industry when translating the law into practice and reduce the burden on industry by reducing the over-classification of employees as Rail Safety Workers.

Industry would welcome the opportunity to work with the NTC, ONRSR and Governments to apply this proposal to the RSNL.

5. Recommendation

That the RSNL MAG:

- agrees there is a need to narrow the RSW definition,
- discusses the proposal provided by Industry,
- endorses the policies proposed as a means to narrow the RSW definition, and
- determines the next steps.

Attachment:

- ***Rail Industry RSW Definition Amendment Proposal***