

Drug and Alcohol: NSW Authorised Person Appointment Process and Issue of Identity Cards

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Background

Drug and alcohol (D&A) testing carried out by NSW rail transport operators (RTOs) must be conducted by an authorised person appointed under s124 of the Rail Safety National Law (RSNL). An authorised person must hold an identity card issued by either ONRSR, or an RTO or third party testing provider (third party provider) with a sub-delegation from ONRSR.

This fact sheet outlines the process for RTOs and third party providers to appoint authorised persons and issue their identity cards to conduct D&A testing in NSW under the RSNL.

Authorised person appointment process and issue of identity cards

- > Regulator delegates to ONRSR Chief Operating Officer.
- > Chief Operating Officer sub-delegates to RTO or third party provider representatives:
 - There are not more than three sub-delegates per organisation.
 - Sub-delegate contact and position details are provided to ONRSR (including nominated primary contact to be responsible for complying with specific conditions).
 - ONRSR maintains a record of sub-delegated positions.
 - ONRSR advised of any departure or change of position of sub-delegates.
- > RTO or third party provider sub-delegates appoint authorised persons:
 - Authorised persons must be suitably qualified and appropriately trained in line with the ONRSR Authorised Person Training Material (NSW Only), which is available on the ONRSR website.
- Existing competence and training requirements must be maintained in line with AQF qualifications and units of competence, and applicable Australian standards for collecting and testing samples.
- RTOs may provide their own training or arrange training through a registered training organisation or third party provider.
- Authorised persons must be provided with an instrument of appointment and identity card.
- Authorised person appointments can be made for up to three years.
- Identity cards remain valid until they expire, or if a person ceases to be authorised. These cards must be returned to the issuing authority (ONRSR, the RTO or third party provider) upon expiration.
- Sub-delegates should not appoint themselves as authorised persons. If an organisation wishes to appoint a sub-delegate as an authorised person, it should ensure it has a second sub-delegate to make the appointment, or contact ONRSR.
- > Sub-delegates should only appoint their employees as authorised persons. However, authorised persons may conduct D&A testing for other RTOs or third party providers. As such, not all RTOs need to have a sub-delegate.
- > If a third party provider holds a sub-delegation, it can manage the whole process of training, appointment of authorised persons, issuing cards and conducting testing for an RTO.

Procedural matters

Card issue and return

RTOs and third party providers are responsible for the issue and management of the D&A identity cards, including card issue and return.

Section 125 of the RSNL sets the requirements for the creation and use of identity cards. Cards must adequately identify the card holder by means of a passport style photograph, name and unique identifier issued by the organisation (such as a reference number or code), and must fulfil three key requirements:

- > Cards must be able to be **given** to an authorised person appointed under s124 of the RSNL.
- > Cards must be able to be **produced** for inspection on request.
- > Cards must be able to be **returned** when the card holder ceases to be an authorised person.

The D&A identity cards can be either physical or digital, provided the above requirements are met. Note the type and use of physical card production machines or digital information products are not prescribed by ONRSR.

ONRSR branding should not be included on the identity card. To assist with recognition of authorised persons by rail safety workers (RSWs) and police, the following statement must appear on the card:

The bearer of this card is an authorised person appointed under s124 of the Rail Safety National Law to conduct drug and alcohol testing of rail safety workers in NSW in accordance with the Rail Safety National Law.

Photograph requirements remain as per the current ONRSR Photo Guide available on the ONRSR website.

Records management

RTOs and third party providers are required to maintain records of authorised persons to be

made available to ONRSR upon request. This includes:

- > training records
- > copies of instruments of appointment
- > register of authorised persons (including contact and position details, card issue and expiry / return dates)

There is no documentation required to be submitted to ONRSR.

Reporting requirements

RTOs and third party providers are required to report to ONRSR annually advising:

- > number of authorised persons currently appointed
- > number of appointments made in the year
- > number of appointments terminated in the year
- > current training provider and training arrangements.

RTOs are to include this information as part of their annual safety performance report, which can be provided via the ONRSR portal. (Refer to section 2.4 of the *ONRSR Guideline, Safety Performance Reporting – Additional reporting requirements in NSW.*) Third party providers are to email this information to ONRSR.

RTOs are required to report in relation to authorised persons directly appointed by them.

RTOs are not required to report in relation to those appointed by another RTO or a third party provider but who are also authorised to test under their DAMP. In this case, RTOs need to ensure they clearly set out the arrangements for the other party's authorised persons to test their workers.

Further information

Contact ONRSR via contact@onrsr.com.au or phone (08) 8406 1500.