

# ONRSR Fact Sheet

## Drug and Alcohol: ONRSR's Testing Program

July 2022

**To help ensure the safety of Australia's rail network, the Office of the National Rail Safety Regulator (ONRSR) undertakes drug and alcohol testing of rail safety workers, in addition to testing by rail transport operators.**

### Background

Under the [Rail Safety National Law](#) (RSNL), a rail safety worker must not carry out or attempt to carry out rail safety work while there is any presence of alcohol or a 'prescribed drug' in their system (section 128).

To complement the Drug and Alcohol Management Programs (DAMPs) established by rail transport operators and help to ensure that operators and rail safety workers are complying with the RSNL, ONRSR has implemented a drug and alcohol testing program (as per Part 3 Division 9 of the RSNL).

The purpose of this fact sheet is to provide guidance to rail transport operators and rail safety workers on ONRSR's testing program.

### Objectives of ONRSR's testing program

There are three primary objectives of the program:

1. To improve the safety of rail by deterring the use of drugs and alcohol by workers.
2. To monitor compliance with the RSNL.
3. To monitor the effectiveness of a rail transport operator's DAMP.

The program consists of programmed ('non incident related') and post-incident testing of rail safety workers.

- > Programmed testing includes intelligence-led risk-based testing and random testing.
- > Post-incident testing is undertaken in response to specific Category A incidents

*AusHealth Work* has been appointed to undertake testing on ONRSR's behalf. Testers are authorised persons under the RSNL and carry identity cards, which can be produced on request.

*AusHealth Work* testers will arrive unannounced on site to conduct programmed drug and alcohol testing of rail safety workers.

### Role of rail transport operators

Rail transport operators have a duty to do all that is reasonably necessary to facilitate testing by ONRSR (section 127A). This includes, for example:

- > allowing entry to the premises
- > making the rail safety worker available for testing
- > making another person available to assist the authorised person

A penalty of up to \$10,000 may apply where a person fails to comply without providing evidence of a reasonable excuse.

### Role of rail safety workers

Rail safety workers are required to comply with the directions of an authorised person to enable drug and alcohol testing by ONRSR.

Offences include:

- > the presence of alcohol in the rail safety worker's blood, or a prescribed drug (cannabis, methamphetamine/ 'speed' or MDMA/ 'ecstasy') in their oral fluid or blood
- > being under the influence of drugs or alcohol
- > refusing a test
- > not following the direction of an authorised person
- > interfering or tampering with a sample
- > hindering or obstructing an authorised person

The maximum penalty is \$10,000.

There is an additional offence for intimidating, threatening or assaulting an authorised person, which carries a penalty of \$50,000 or two years imprisonment (or both).

Note that rail safety workers in NSW may face additional penalties (refer to ONRSR's Drugs and Alcohol: Requirements for Rail Transport Operators (NSW Only) fact sheet).

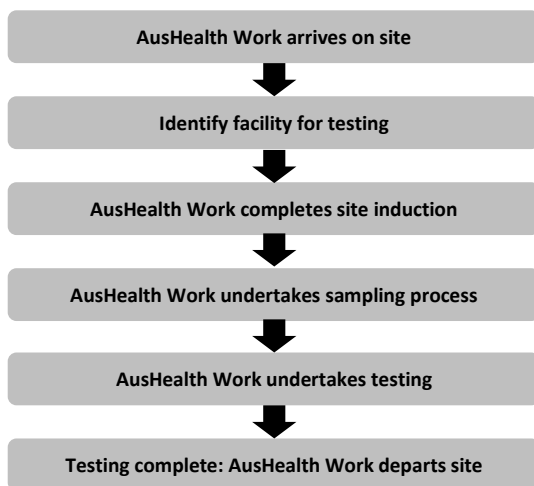
## Types of testing

ONRSR conducts breath, oral fluid (saliva) and blood testing (where applicable) for the presence of alcohol and drugs.

The results of these tests may be used in a prosecution.

Oral fluid is the primary form of drug testing, however there are some scenarios where urine testing may be conducted.

## Drug and alcohol testing process



## What happens if it is a non-negative test?

A non-negative test is an unconfirmed positive test. ONRSR will confirm if the non-negative is either positive or negative through confirmatory testing.

### > Confirmatory drug testing – *AusHealth Work* and rail transport operator responsibilities

#### AusHealth Work undertakes confirmatory test

- AusHealth Work will take an oral fluid sample from the rail safety worker for laboratory testing.

#### DAMP is activated

- AusHealth Work will notify the rail transport operator representative that a non-negative result has been received.
- The operator will need to manage the potential safety implications and trigger its DAMP, e.g. remove the worker from rail safety work, review the potential for any error in work already undertaken, and other processes as per its DAMP.

#### Test results from laboratory

- ONRSR will normally advise the operator of the test results within 4-5 working days.
- The operator is required to advise the worker of the test results.

### > Confirmatory alcohol testing – *AusHealth Work* and rail transport operator responsibilities

#### AusHealth Work notifies of non-negative result and requirement for breath analysis

- AusHealth Work will notify the operator's representative that a non-negative result has been received, and request they accompany AusHealth Work and the worker to a police station for breath analysis testing.
- The operator will need to manage the potential safety implications and trigger its DAMP.
- AusHealth Work tester and the operator representative accompany the worker to the police station for breath analysis.
- The test result will be available immediately.

## Further information

Further information is available ONRSR's website including the following documents:

- > ONRSR's Drug and Alcohol Testing policy
- > Drug and Alcohol: Requirements for Rail Transport Operators fact sheet
- > Drug and Alcohol: Requirements for Rail Transport Operators (NSW Only) fact sheet
- > ONRSR Drug and Alcohol Testing: Introduction of Urine Testing fact sheet