

Expanded options for drug testing in NSW

January 2026

Background

When the *Rail Safety National Law* (RSNL) was enacted in 2012, NSW drug and alcohol testing arrangements were prescribed in the *Rail Safety National Law National Regulations 2012* (National Regulations).

Rail transport operators in New South Wales were required to carry out:

- > breath or urine testing for random testing of at least 25% of rail safety workers annually (commercial operators only)
- > mandatory breath and urine testing for post-incident testing following a NSW prescribed incident
- > random and post-incident testing to an evidentiary standard using authorised persons appointed under section 124 of the RSNL

Operators were required to notify ONRSR of certain alcohol and drug testing results.

The National Regulations have been amended to remove the requirement for only urine drug testing by rail transport operators in NSW, giving operators greater choice in meeting their requirements under the RSNL.

What has changed?

Rail transport operators in NSW can now use different types of drug testing, including oral fluid testing:

- > to contribute to the NSW-specific requirement to randomly test at least 25% of rail safety workers annually (commercial operators only)
- > for post-incident testing following a NSW prescribed incident.

The amendment of National Regulation 28(2)(a)(i) has removed the requirement for only urine drug testing and instead allows different types of drug

testing to be used by NSW rail transport operators. It does not specify what type of drug test is to be used but rather allows an operator to choose a mix of testing types which are most appropriate for the risks they are managing.

The existing notification requirements under National Regulation 28(2)(b) require NSW rail transport operators to notify ONRSR, within 7 days, of certain drug testing results relating to urine and blood testing.

Consistent with these notification requirements, NSW rail transport operators are also now required to notify ONRSR within 7 days of certain drug testing results related to oral fluid testing.

Under section 128(1)(b) of the RSNL, presence of a prescribed drug in oral fluid or blood is an offence. Prescribed drugs are:

- > *delta*-9-tetrahydrocannabinol: cannabis (THC)
- > Methylamphetamine (Methamphetamine): speed
- > 3,4-Methylenedioxymethylamphetamine (MDMA): ecstasy

This means ONRSR will be able to prosecute on the basis of NSW rail transport operator testing detecting the presence of a prescribed drug in oral fluid or blood. Note that in NSW, blood tests can only be done at a hospital.

What has stayed the same?

There have been no changes to the breath testing requirements.

NSW rail transport operators are also still required to carry out:

- > random alcohol or drug testing of at least 25% of rail safety workers annually (commercial operators only)

- > mandatory alcohol and drug testing for post-incident testing following a NSW prescribed incident
- > random and post-incident testing to an evidentiary standard using authorised persons appointed under section 124 of the RSNL

Operators are still required to notify ONRSR of certain alcohol and drug testing results.

What action is required by NSW rail transport operators?

NSW rail transport operators should undertake a risk assessment to determine the testing types which are most appropriate for the risks they are managing. For example, oral fluid testing may be appropriate for detecting recent use, while urine testing may be appropriate for detecting longer term use.

Operators wishing to continue to use only urine testing for drug testing may retain their existing arrangements.

Operators wishing to use different types of drug testing including oral fluid testing will need to:

- > use authorised persons who have been issued with an updated instrument of appointment (which does not prohibit the use of oral fluid testing) and who have been trained in AS/NZS 4760:2019, Procedure for specimen collection and the detection and quantification of drugs in oral fluid
- > use an approved oral fluid testing device:
 - Medvet Oral7
 - Clonal Technologies Oral Fluid Drug Test 7
 - Oranoxis ToxWipe 7+
 - an approved oral fluid testing device within the meaning of Schedule 3 to the Road Transport Act 2013 (NSW)
- > use an approved laboratory:
 - NSW Health Pathology Forensic & Analytical Science Service at Lidcombe,

- NSW Health Pathology Forensic & Analytical Science Service at North Ryde,
- Racing Analytical Services Ltd at Flemington, Victoria.
- Douglass Hanly Moir Pathology at 14 Giffnock Avenue, Macquarie Park

- > update their Drug and Alcohol Management Programs and ensure authorised persons issue the following collection certificate when conducting oral fluid testing:
 - Notice of oral fluid collection under regulation 17(2)(b), which is to be provided to the rail safety worker
- > notify ONRSR of oral fluid testing results
- > report on these arrangements in their Safety Performance Reports.

Update of urine testing standard: AS/NZS 4308:2023

The *Rail Safety (Adoption of National Law) Regulation 2018* was amended on 1 November 2025 to require that urine testing be conducted in accordance with AS/NZS 4308:2023, *Procedures for specimen collection and the detection and quantification of drugs in urine*.

Further information

Rail transport operators who have questions should contact ONRSR's Sydney office on 1800 572 077 or email contact@onrsr.com.au

Forms for appointing an authorised person and providing NSW notification reports, together with the oral fluid collection certificate, are available on ONRSR's website.