

# 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)

