



### Background

ONRSR is introducing changes to the process for issuing identity cards to authorised persons to conduct drug and alcohol (D&A) testing in NSW.

D&A testing carried out by NSW RTOs must be conducted by an authorised person appointed under the Rail Safety National Law (RSNL) who holds an identity card issued by either ONRSR, or an RTO or third party provider with a sub-delegation from ONRSR.

Prior to the establishment of ONRSR, rail transport operators (RTOs) and third party providers in NSW issued their own authorised person identity cards. We are now reverting back to this model.

There will be a phased implementation allowing RTOs and third party providers to nominate one of four dates between December 2019 and March 2020 by which to transition.

Identity cards issued by ONRSR remain valid until they expire, or if a person ceases to be authorised. These cards must be returned to ONRSR upon expiration.

### Summary of changes

The following is a summary of the changes to the NSW D&A identity card issue process, highlighting what has stayed the same and what is different with the cards being issued by RTOs and third party providers.

#### What stays the same?

- > Regulator delegates to ONRSR Director Operations (Sydney).
- > Director Operations (Sydney) 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 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-delegate representatives.
- > RTO or third party provider sub-delegates appoint authorised persons:
  - Ensure authorised persons are suitably qualified and appropriately trained in line with the ONRSR Model Drug and Alcohol Testing Training Course, which is available on the ONRSR website.
  - Authorised person appointments can last for up to three years.
- > RTOs may provide their own training, or arrange training through a registered training organisation or third party provider.
- > RTO or third party provider continue to maintain records:
  - training
  - instruments of appointment
  - register of authorised persons (including card issue and return dates)
  - timeframe specified for appointment (up to three years as per current arrangements)
- > Authorised persons may conduct drug and alcohol testing for other RTOs or third party providers. As such, not all RTOs need to have a sub-delegate.

#### What is different?

- > Sub-delegations:
  - The sub-delegation includes card issue and return.
- > Card production and management:
  - RTO or third party provider produce and administer cards.
  - Cards are returned to the RTO or third party provider when they expire or when an individual ceases to be an authorised

person. Note that cards that are issued by the RTO or third party provider under the sub-delegation are not returned to ONRSR.

> Reporting:

- RTO or third party provider 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

- > If a third party provider holds the sub-delegation, they can manage the whole process of training, appointment of authorised persons, issuing of 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 that the type and use of physical card production machines or digital information products will not be 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.

### 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 authorised person contact and position details, card issue and expiry dates, training records and copies of instruments of appointment.

RTOs and third party providers must continue to maintain existing competence and training requirements in line with AQF qualifications and units of competence, and applicable Australian standards for testing and collecting samples. Refer to the ONRSR website for further information on training of authorised persons to conduct D&A testing.

### 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 (SPR), which can be provided via the ONRSR portal. Third party providers are to prepare an annual statement.

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

RTOs are not required to report in relation to those appointed by another RTO or third party provider but who are also authorised to test under their DAMP. In this case, RTOs need to ensure that 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](mailto:contact@onrsr.com.au) or phone (08) 8406 1500.