



What are a rail transport operator's fatigue risk management obligations?

A rail transport operator's obligations regarding fatigue risk management include:

- > A duty to ensure, so far as is reasonably practicable, that rail safety workers do not carry out their work while impaired by fatigue or if they may become so impaired as defined in section 52(2)(d) of the *Rail Safety National Law* (RSNL).
- > A mandatory requirement for operators to include a fatigue risk management program as an element of their overall safety management system (section 116 of the RSNL).
- > Compliance with detailed fatigue risk management program requirements (contained in regulation 29 of the National Regulations), including a requirement for operators to determine safe hours of work and rest for rail safety workers.

Guidance on these requirements is included in the *Guideline on Fatigue Risk Management*, available on the ONRSR website.

In NSW, additional requirements regarding the management of rail safety worker hours of work and rest apply to railway operations. These are set out in Part 1 of Schedule 2 to the *Rail Safety National Law National Regulations 2012* (National Regulations).

Which rail safety workers are affected?

The fatigue risk management program requirements apply to all rail safety workers. Part 1 of Schedule 2 to the National Regulations, however, applies only to railway operations within NSW in relation to rail safety workers who drive passenger and freight trains.

What are the requirements in New South Wales?

Part 1 of Schedule 2 of the National Regulations details maximum shift lengths, maximum numbers of shifts which may be worked within certain periods and minimum periods between shifts for rail safety workers who drive freight and passenger trains. It also contains provisions to allow for these workers to travel as passengers to a home depot or rest place.

The requirements of Part 1 of Schedule 2 do not apply in the event of particular unforeseeable circumstances, such as accidents or emergencies. Rail transport operators should refer to the National Regulations for definitions of these circumstances.

How do these requirements interact with the other obligations?

The limitations on hours of work and rest prescribed do not substitute for, or otherwise impact on, the obligation for rail transport operators to develop a fatigue risk management program and address the risks associated with fatigue. Operators must develop their own risk-based hours of work for rail safety workers who drive trains, within the boundaries specified in Part 1 of Schedule 2. This means that operators must determine what hours are appropriate for the operating conditions and the risks of the particular train-driving tasks.

The requirements do not preclude shorter shifts or more frequent breaks. Mere compliance with these outer limits, without a risk-based justification, would not meet the requirements of the RSNL or National Regulations.

For information on exemptions from fatigue requirements contact ONRSR.