

# RAIL REGULATION SAFETY ALERT

02/13

## NOTICE TO ACCREDITED RAIL TRANSPORT OPERATORS

### THIS ADVICE IS EFFECTIVE IMMEDIATELY

#### Subject:

Locomotive boiler operation, inspection, maintenance and repair.

#### Action:

Rail Transport Operators (RTO) should take note of this Alert and take appropriate action, including but not limited to:

1. Ensure that all rail safety workers who operate a locomotive boiler, regardless of the age of the boiler, attain **either** a relevant Australian Qualifications Framework competency **or** a current High Risk Work Licence issued by Workplace Health and Safety Queensland, relative to the type of boiler being operated. It is expected that RTOs monitor all rail safety worker competencies to ensure a rail safety worker's competency is periodically reassessed and rail safety workers are not permitted to undertake rail safety work unless they hold a current competency for the work.
2. Inspect, maintain, and repair all locomotive boilers, regardless of the age of the boiler, in accordance with the *Inspection, maintenance and repair of rail locomotive boilers – Code of Practice*, as published and amended from time to time by the Rail Industry Safety and Standards Board.

#### Issue:

The operation of a locomotive boiler is considered by the Rail Regulation Unit to be high risk work. Therefore, it is essential that these risks are appropriately mitigated so far as reasonably practicable.

To comply with its rail safety duties, the RTO must ensure the operator of a locomotive boiler is competent in its operation.

The *Transport (Rail Safety) Regulation 2010* (TRSR) allows the RTO the flexibility to assess a rail safety worker's competence in either of the following ways (section 20):

- (a) by the worker attaining the qualification, or successfully completing the units of competency, recognised under the Australian Qualifications Framework (AQF) that apply to the work;
- (b) by the rail transport operator in a way that assesses whether the worker has the level of knowledge and skills necessary to enable the worker to carry out the work safely.

Similarly, the inspection, maintenance and repair of a locomotive boiler is a process which must be undertaken by rail safety workers who have attained the applicable competency, using methods and materials appropriate to the age and design of the boiler. This issue has been recognised by the Rail Industry Safety and Standards Board through the publication of the *Inspection, maintenance and repair of rail locomotive boilers - Code of Practice*, and its reference to AS 3788:2006 *Pressure equipment – In-service inspection*.

To comply with its rail safety duties, the RTO must develop and implement an inspection and maintenance regime for its locomotive boilers.

## Background:

Traditionally, the licensing of boiler operators and registration of boilers as plant has been the responsibility of Workplace Health and Safety Queensland (WHSQ). Furthermore, changes to workplace health and safety legislation in 2011 exempted the operator of a “heritage boiler” from requiring a High Risk Work Licence (Note: A heritage boiler is defined as a boiler manufactured before 1952 used for a historical purpose or activity, including an activity that is ancillary to a historical activity and exemptions do not apply to boilers manufactured after 1952).

The Rail Regulation Unit has examined this issue with WHSQ and concluded that the *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* have a limited application to “prescribed railway operations” as defined in the *Transport (Rail Safety) Act 2010* (TRSA). This includes operating, maintaining, repairing, or modifying any plant, machine, or equipment associated with the operation or movement of rolling stock on the railway track (refer to section 22 of the TRSA).

Consequently, the requirements for the operation, inspection, maintenance, and repair of locomotive boilers are determined by the TRSA.

However, you may still have other general duties under the *Work Health and Safety Act 2011*. Further advice on work health and safety duties including those relating to High Risk Work Licensing, Plant Design and Item Registration is available by calling WHSQ on 1300 369 915.

**Date:** 29 June 2013  
**Authorised by:** Mr Peter Cumming, Director (Rail Regulation)  
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