



Risk relating to exemption rail transport operators from section 114 RSNL

Objective ID:	A1094153
Attention:	All jurisdictions
From:	Sue McCarrey
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Subject:	Risk relating to exemption rail transport operators from section 114 RSNL

Additional information

Currently all operators are required under section 114 of RSNL to have a health and fitness program which requires rail safety workers to undertake health assessments in accordance with the mandated National Health Standard.

The Standard includes requirements for pre-placement, periodic and triggered health assessments.

The Standard specifies the frequency of **periodic health assessments**, as follows:

- Category 1 and 2: Safety Critical Workers
 - At time of commencement (pre-placement)
 - every 5 years to age 50, then
 - every 2 years to age 60, then
 - every year.

- Category 3: Around the Track Personnel in an Uncontrolled Environment
 - • At time of commencement (pre-placement), then
 - • every 5 years from the age of 40 years.

The proposed exemption has specific conditions which limits the exemption to periodic health assessments only and only applies if under the current circumstances it is not reasonably practicable to fully comply with section 114 of RSNL. Before postponing any health assessment of a RSW the rail transport operator **MUST** undertake a risk assessment and determine, based on their most recent health assessment, whether the risk is low and postponement would allow them to continue to safely undertake rail safety work until the assessment can be scheduled.

As with all risk assessment required under the RSNL this must be documented and change management processes adhered to. The Regulator continues to have responsibility to “step in” if the rail transport operator is not managing the risk so far as reasonably practicable.

The exemption through the Gazettal expires after three months and can be changed or withdrawn at any time during this period.

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