

NSW Trains

NSW Trains is a New South Wales Government Agency
Level 20, 477 Pitt Street
NSW 2000

GENERAL SAFETY SPECIFICATION FOR SERVICE PROVIDERS

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3.0	28 September 2012	All	General revision and update to document and relevant legislation.	S Walley
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SAFETY SPECIFICATION FOR SERVICE PROVIDERS

1 GENERAL

1.1 Application

This Safety Specification applies to Service Providers.

1.2 Definitions

In this Safety Specification:

authorised officer and **railway safety work** have the meanings given in the Rail Safety National Law

Authorised Health Professional and **Risk Category** have the meanings given in the National Transport Commission of Australia's *National Standard for Health Assessment of Rail Safety Workers*.

Bus Operator Accreditation Scheme (BOAS) means the Transport for NSW accreditation scheme for all bus and coach operators in New South Wales as per the *Passenger Transport Act 1990*.

construction work, general induction training, general induction cards, general induction training certification, personal protective equipment, plant, and safe work method statement have the meanings given in the *WHS Regulation*.

Danger Zone and **Rail Corridor** have the meanings given in the NSW Trains *RailSafe Network Rules*.

drug, prescribed concentration of alcohol and **testing officer** have the meanings given in the Rail Safety National Law.

NSW Trains is a New South Wales Government Agency constituted under the *Transport Administration Act 1988* (ABN 59 325 778 353).

Premises means any NSW Trains premise and any place where work is conducted by, on behalf of, or under the direction or influence of NSW Trains.

Rail Safety National Law means the *Rail Safety National Law* (NSW) No.82a and the *Rail Safety National Law National Regulations 2012* (NSW).

Registered Training Organisation has the meaning given in the WHS Regulation.

Service Provider means a person, corporation or other entity, whether a consultant or other professional service provider, that carries out work for or provides services to NSW Trains including at NSW Trains' Premises.

Work means work carried out for or services provided to NSW Trains or carried out or provided at NSW Trains' Premises.

WorkCover means the WorkCover Authority of New South Wales constituted under the *Workplace Injury Management and Workers Compensation Act 1998* (NSW).

Worker has its meaning as defined in the WHS Act 2011 and includes a person employed by the Service Provider, engaged by the Service Provider as a sub-contractor, and a person employed or engaged by a sub-contractor.

WHS Act means the *Work Health and Safety Act 2011*.

WHS Laws means all relevant and applicable laws (including the WHS Act, WHS Regulation and the Rail Safety National Law), codes, standards and guidelines relating to

health and safety in the work-place including any codes of practice or guidelines issued by WorkCover or any other relevant industry group, all as amended or replaced from time to time.

WHS Regulation means the *Work Health and Safety Regulation 2011* and any other regulation made under the WHS Act from time to time.

1.3 Comply with laws

The Service Provider must comply with, and must ensure that its workers comply with, the WHS Laws.

A non-exhaustive list of contacts and relevant legislation, codes, standards, guidelines, rules, policies and procedures relating to health and safety in the work-place is contained at Appendix 1. In the event of any inconsistency between the provisions or requirements of any WHS Laws, the Service Provider must comply with the provision or requirement that produces the higher level of health and safety.

2 WORKING AT NSW TRAINS' PREMISES

2.1 Hazard identification and risk assessment

Before carrying out any work the Service Provider must carry out a risk assessment by:

- (a) identifying any current or foreseeable hazard associated with the Premises and the work,
- (b) identifying and assessing any risk arising from any hazard identified, and
- (c) eliminate any risk or, if it is not reasonably practicable to eliminate the risk, develop measures or procedures to effectively control and minimise the risk (including by giving consideration to the WHS Laws, and
- (d) Prepare a written risk assessment and provide a copy to NSW Trains.

2.2 Review of risk assessments and control measures

Use Code of Practice and Guidance materials from WorkCover NSW and other relevant industry groups to develop measures or procedures to effectively control risks. Refer to Appendix 1 for suggested guidance materials. The Service Provider must review the risk assessment, and any measures adopted to control the risk, whenever:

- (a) there is evidence to suggest that the risk assessment is no longer valid, or
- (b) injury or illness results from exposure to a hazard to which the risk assessment relates, or
- (c) a significant change is proposed in the place of work, the scope of work or in work practices or procedures to which the risk assessment relates.
- (d) Periodically as per Clause 38 of the WHS Regulation 2011

2.3 Hazard identification and reporting

- (a) The Service Provider must review the relevant NSW Trains Workplace Risk Register (if applicable) before commencing work to identify known hazards, risks and controls that are pertinent to the works being undertaken.
- (b) The Service Provider must have a process for workers to identify, report, and eliminate hazards or control hazards that can not be eliminated.

- (c) The Service Provider must consult with NSW Trains regarding any hazards or risks identified that can not be immediately eliminated or controlled by the Service Provider

2.4 Horizontal consultation

If the Service Provider and another person (or persons) (including but not limited to NSW Trains) have a duty in relation to the same matter under the WHS Act, the Service Provider must, in accordance with the WHS Laws, consult, co-operate and co-ordinate activities with the other person (or persons) (including but not limited to NSW Trains).

2.5 Local work-place induction training

NSW Trains will provide the Service Provider's workers with certain local work-place induction training.

The Service Provider must ensure that each employee is provided with local work-place induction training as may be required in addition to any training provided by NSW Trains, before carrying out any work.

Any local work-place induction training provided by NSW Trains does not absolve the Service Provider from any of its obligations (including in relation to training and instruction) under this document or the WHS Laws.

2.6 Safety briefings

The Service Provider must ensure that each employee carrying out work attends any safety briefing if required from time to time by NSW Trains.

Any safety briefing provided by NSW Trains does not absolve the Service Provider from any of its obligations (including in relation to training and instruction or risk assessment) under this document or the WHS Laws.

2.7 Authorisation of workers

The Service Provider must ensure that each worker who will be carrying out work is authorised (as defined and as may be required by the WHS Act) pursuant to Part 4 of the WHS Act in relation to work of that kind.

2.8 Information, Training and Information for employees

The Contract must ensure that each worker who will be carrying out work is provided with instruction, training and information in accordance with the WHS Laws

2.9 Operation of plant

The Service Provider must ensure that each worker who will be operating plant:

- (a) holds any licence or certificate necessary to operate the plant
- (b) has been provided with adequate training in the use, operation, maintenance and care of the plant, and
- (c) operates and maintains the plant in accordance with the manufacturer's standards and procedures, and in accordance with any emergency procedures; and
- (d) is adequately supervised.

2.10 Personal protective equipment

The Service Provider must ensure that each person carrying out work at or visiting NSW Trains' Premises:

- (a) is provided with, and wears at all times, all necessary and appropriate personal protective equipment
- (b) is informed of any limitations of the equipment, and

- (c) is provided with the instruction and training necessary to ensure that the equipment controls the risk for which it is provided.

2.11 Competence of employees

The Service Provider must ensure that:

- (a) each worker:
 - (i) has the necessary skills, knowledge, qualifications, training, competence and experience, and
 - (ii) has appropriate verbal and written language skills and the necessary literacy, to carry out the work, including qualifications, certification and competencies required under the WHS Laws; and.
- (b) has and maintains the appropriate Professional Association Membership for the relevant accreditation bodies as required.

2.12 Supervision of employees

The Service Provider must ensure that workers are adequately supervised by a competent person while carrying out work.

2.13 Service Provider's licences

Before the Service Provider (or its workers) carry out any work for which a licence, qualification or permit is required, the Service Provider must ensure that it and its workers have all requisite licences, qualifications or permits.

The Service Provider must provide to NSW Trains satisfactory written (hard copy) evidence of the licences, qualification or permits pursuant to WHS Regulation 2011 Clause 85, and if otherwise required.

2.14 Service Provider's conformance to NSW Trains permits

(a) Definitions

In this clause:

Confined Spaces, electrical work, demolition, asbestos removal, hot works and permit have the meanings given in NSW Trains Safety Management System and RailSafe Network Rules NSW Trains Electrical Network Safety Rules.

- (b) This clause applies in addition to clause 2.13.

(c) Permits

Before carrying out any work in confined spaces, electrical work, demolition, asbestos removal or hot work the Service Provider must provide to NSW Trains satisfactory evidence of the Service Provider's ability to satisfy NSW Trains requirements to carry out that work.

Where required by the WHS Act and Regulation, the Service Provider must make the notifications required to the regulator and provide NSW Trains with evidence of this notification prior to commencing work.

2.15 Management of worker fatigue

The Service Provider must:

- (a) familiarise itself with NSW Trains's *Safety Management System-Managing Fatigue* and related documents referred to in, that system requirement,

- (b) ensure that each employee:
 - (i) is made aware of and understands NSW Trains' *Safety Management System Managing Fatigue* and related documents referred to in that system requirement
 - (ii) is made aware of and understands his or her responsibility to manage fatigue and present himself or herself in a fit state for work, and
 - (iii) manages fatigue and presents in a fit state for work.

3 CONSTRUCTION WORK

3.1 Definitions

In this clause:

construction work, general induction training, general induction training cards, general induction training certification and safe work method statement have the meanings given in the WHS Regulation.

The Guidelines means the New South Wales Government *Occupational Health and Safety Management Systems Guidelines*, 4th Edition, June 2004.

3.2 Site-specific safety management plan

Before carrying out any work that is construction work the Service Provider must, if directed to do so by NSW Trains, provide to NSW Trains a site-specific safety management plan for the work, prepared in accordance with the WHS Laws and the Guidelines.

3.3 Safe work method statements

The Service Provider must ensure that:

- (a) safe work method statements (whether prepared by the Service Provider or its sub-contractors) are prepared in accordance with the WHS Laws and the Guidelines and signed by the Service Provider,
- (b) the work for which a safe work method statement was prepared does not commence until:
 - (i) each relevant worker reviews the safe work method statement, and
 - (ii) each relevant worker signs an acknowledgement that he or she understands and will implement the risk control measures or procedures specified in the safe work method statement, and
 - (iii) The Service Provider has submitted the safe work method statement to NSW Trains for review
 - (iv) the Service provider has obtained NSW Trains' authorisation for the work to be carried out in accordance with the safe work method statement.

3.4 General induction training

(a) General health and safety induction training

The Service Provider must ensure that each worker who will be carrying out work that is construction work has been:

- (i) provided with general health and safety induction training that complies with the WHS Laws including Part 6.5 of the WHS Regulation,
- (ii) issued with a statement of WHS induction training by the person who provided the training, and

- (iii) issued with a WHS induction training certificate (or WorkCover Construction Induction Certificate [previously known as 'Green Card']), carries the certificate at all times while carrying out the work and produces the certificate for inspection immediately upon request by an inspector or by NSW Trains.

(b) Work activity based health and safety induction training

The Service Provider must ensure that each worker who will be carrying out work that is construction work has been provided with information, training and instruction that complies with the WHS Regulation, including Division 1 of Part 3.2, and relates to the particular type of construction work to be carried out.

(c) Site-specific health and safety induction training

NSW Trains will provide each of the Service Provider's workers who will be carrying out work that is construction work at NSW Trains' premises with site-specific health and safety induction training.

Any such safety induction training provided by NSW Trains does not absolve the Service Provider from any of its obligations (including in relation to training and instruction) under this document or the WHS Laws.

4 RAIL SAFETY WORK

4.1 Definitions

In this clause:

rail safety officer, **rail safety worker** and **rail safety work** have the meanings given in the Rail Safety National Law.

drug, **prescribed concentration of alcohol** and **testing officer** have the meanings given in the Rail Safety National Law.

Authorised Health Professional and **Risk Category** have the meanings given in the National Transport Commission of Australia's *National Standard for Health Assessment of Rail Safety Workers*.

Danger Zone, **Protection Officer**, **Qualified Worker**, **Rail Corridor** and **safe place** have the meanings given in the NSW Trains *RailSafe Network Rules*.

Registered Training Organisation means a registered training organisation that can provide training and assessment of nationally recognised training and must meet the current Australian Quality Training Framework (AQTF) standards.

(a) Health and fitness of workers

The Service Provider must ensure that each worker who will be carrying out work that is rail safety work receives the appropriate level of health assessment specified in the National Transport Commission of Australia's *National Standard for Health Assessment of Rail Safety Workers* (**the Standard**).

(b) Certification of workers

The Service Provider must ensure that each worker who will be carrying out work that is rail safety work

- (i) has the competence to carry out that work
- (ii) carries a form of identification which identifies the worker and the type of competence and training the worker has received for that work; and
- (iii) produce that identification if requested to do so by NSW Trains or a rail safety officer.

NSW Trains may require that the competencies of the Service Provider's workers be assessed (at the Service Provider's cost) at a NSW Trains training facility. If so, NSW Trains will issue a NSW Trains *Rail Safety Worker Card* to those of the Service Provider's workers assessed by NSW Trains as having the requisite competency.

(c) Alcohol and other drugs

The Service Provider must ensure that each worker:

- (i) understands and complies with the requirements of the Rail Safety National Law;
- (ii) is not under the influence of alcohol or any other drug, and does not have the prescribed concentration of alcohol present in his or her blood, when about to carry out, when carrying out or when on duty for the purpose of carrying out (whether or not carrying out) work including rail safety work,
- (iii) does not, while carrying out work, consume or use alcohol or any other drug unless the drug was prescribed by a medical practitioner and will not affect his or her ability to carry out railway safety work; and

agrees to undergo a breath test or breath analysis, submit to a sobriety assessment or provide a urine sample, if required to do so by NSW Trains, a testing officer or police officer.

4.2 Working in the Rail Corridor

(a) RailSafe Network Rules and Procedures

When carrying out work in the Rail Corridor the Service Provider must comply with, and must ensure that its employees and visitors comply with:

- (i) the NSW Trains *RailSafe Network Rules*, and
- (ii) the NSW Trains RailSafe Network Procedures.

(b) Rail Industry Safety Induction training

The Service provider must, before NSW Trains will provide the Service provider (or its workers) with access to the Rail Corridor, provide to NSW Trains satisfactory evidence that each worker has been provided with NSW Trains issued Rail Industry Safety Induction (RISI) or Rail Safety Worker (RSW) card.

(c) Work-site protection

When carrying out work in the Rail Corridor the Service Provider must comply with, and must ensure that each of its workers complies with, any direction that may be given by a Protection Officer or work-site supervisor

5 BUS AND COACH AND TAXI OPERATORS

5.1 Accreditation – Bus & Coach Operators

The *Passenger Transport Act 1990* requires that each bus & coach service provider must be accredited by the New South Wales Transport & Infrastructure Bus Operator Accreditation Scheme (BOAS). The accreditation includes the following

- Drug & Alcohol regulation
- Fatigue Management
- Safety Management System requirements
- Licence and competence needs of drivers

- Risk management
- Maintenance & Inspection of vehicles requirements
- Audits

There is also a need to have sufficient resource and expertise to manage crowd control by the supplier

5.2 Accreditation – Taxi Operators

The *Passenger Transport Act 1990* requires that each Taxi-Cab service provider must be accredited by the New South Wales Department of Transport Taxi-Cab Operator Accreditation Scheme. The accreditation includes need for the person, partner or corporation to be of the following

- Must be of good repute
- Must be fit and proper
- Must be able to meet and continue to meet the appropriate requirements in respect of:
 - ❖ Safety of drivers, passengers and the public (be able to demonstrate knowledge and competence relating to the operation of a taxi-cab service); and ;
 - ❖ Financially viability; and
 - ❖ Vehicle maintenance (have access to maintenance facilities for taxi cabs)

NOTIFICATIONS AND REPORTS

5.3 Definitions

In this clause:

incident means an event, either accidental or deliberate, that might result in death or injury, or damage to property, which requires a particular response from NSW Trains and external organisations or agencies in accordance with NSW Trains' Safety Management System.

notifiable occurrence has the meaning given in the Rail Safety National Law.

Notifiable incident has the meaning given in the WHS Act.

5.4 Notification

The Service Provider must:

- (a) immediately notify NSW Trains' Rail Management Centre's Shift Manager on telephone (02) 9379 1743 of a notifiable occurrence, and
- (b) promptly notify NSW Trains of the occurrence of:
 - (i) any incident (whether or not the occurrence of the incident is required to be notified to WorkCover), or
 - (ii) a notifiable occurrence, or
 - (iii) a notifiable incident.
- (c) no later than 24 hours after an incident or occurrence referred to above, prepare and give to NSW Trains a written report setting out details of the nature, cause and effect of the incident or occurrence and any other details that NSW Trains may request, and

- (d) if required to give notice of any occurrence to WorkCover or any other authority, give to NSW Trains a copy of that notice at the same time, and
- (e) promptly give to NSW Trains a copy of any notice received from or any penalty imposed by WorkCover.

5.5 Notifiable occurrences

A non-exhaustive list of notifiable occurrences is contained at Appendix 2.

6 FAILURE TO COMPLY

6.1 Definitions

In this clause:

serious non-compliance includes:

- (a) refusing or failing to undergo an alcohol or drug test (whether by the Service Provider or any of its workers),
- (b) failing an alcohol or drug test (whether by the Service Provider or any of its workers),
- (c) failing to provide satisfactory evidence of an induction training certificate (if required by NSW Trains),
- (d) failing to provide satisfactory evidence of NSW Trains-issued RISI or Rail Safety Worker training (if required by NSW Trains),
- (e) failing to provide satisfactory Rail Safety National Law competency identification (if required by NSW Trains),
- (f) failing to provide satisfactory evidence of a recognised qualification,
- (g) failing to provide satisfactory evidence of a required licence or permit, and
- (h) carrying out work or providing services in a reckless and dangerous manner.

6.2 NSW Trains' rights

If NSW Trains is of the opinion that the Service Provider or any of its employees have not complied, or are not complying, with any work health and safety obligation in this document or the WHS Laws, then NSW Trains may:

- (a) direct the Service Provider to immediately comply, or ensure the employee immediately complies, with the obligation,
- (b) if it is of the opinion there is a risk to the health, welfare and safety of a person because of the non-compliance, direct the Service Provider to immediately suspend carrying out work or providing services until such time as the Service Provider or the employee has complied, or is complying, with the obligation and NSW Trains has given the Service Provider written permission to resume carrying out work or providing services, and
- (c) if it considers the employee's non-compliance to be a serious non-compliance:
 - (i) direct the Service Provider to immediately remove the employee from NSW Trains' premises and not permit the employee to return to the Premises without NSW Trains' written permission, and
 - (ii) have regard to the worker's non-compliance in determining whether the worker is competent under the Rail Safety National Law.

If NSW Trains directs the Service Provider to suspend carrying out work under this clause or providing services, the Service Provider shall not be entitled to make any claim for payment, and NSW Trains shall not be liable to make any payment to the Service Provider, until such time as the Service Provider or the employee has complied, or is complying, with the obligation and NSW Trains has given the Service Provider written permission to resume carrying out work or providing services.

APPENDIX 1

RELEVANT LEGISLATION AND OTHER PUBLICATIONS

**The New South Wales
Parliamentary Counsel's Office**

Level 12, Goodsell Building
8 – 12 Chifley Square
Sydney NSW 2000
Phone: 02 9228 7139
Fax: 02 9232 4796
www.legislation.nsw.gov.au

Work Health and Safety Act 2011
Work Health and Safety Regulation 2011
Rail Safety National Law No. 82a
Rail Safety National Law National Regulations 2012
Dangerous Goods (Road and Rail Transport) Regulation 2009
Workplace Injury Management and Workers Compensation Act 1998
Health Records and Information Privacy Act 2002
Passenger Transport Act 1990
Passenger Transport (Drug and Alcohol Testing) Regulation 2010
Food Safety 2003
Food Regulation 2010 (NSW)
Food Standards Code

NSW Trains

477 Pitt Street
Sydney NSW 2000
Phone: 02 8202 2000
www.transport.nsw.gov.au/nswtrains/commercial/contracts
www.railsafe.org.au

Code of Conduct
Safety Policy
Drug and Alcohol Policy
NSW Trains Safety Management System

**Independent Transport Safety
Regulator**

Level 22, 201 Elizabeth Street
Sydney NSW 2000
Phone: 02 8263 7100
Fax: 02 8263 7200
www.transportregulator.nsw.gov.au

Competence requirements Rail Safety National Law
Guidelines relating to Drug & Alcohol Programs
National Rail Safety Guideline - Management of Fatigue in Rail Safety Workers

Standards Australia

1 The Crescent
Homebush NSW 2140
Phone: 1300 65 46 46
Fax: 1300 65 49 49
www.standards.com.au

AS 4292.1 – 2006 Railway safety management Part 1: General requirements
AS/NZS 1270:2002 Acoustics – Hearing protectors
AS/NZS 1336 Amdt 1 Recommended Practices for Occupational Eye Protection
AS/NZS 1337.1:2010 Amdt 1:2012 Eye protectors for occupational applications
AS/NZS 1742.3:2009 Manual of Uniform Traffic Control Devices For Work on Roads
AS/NZS 1800: 1998 Occupational protective helmets – Selection, Care and Use

AS/NZS 1801:1997 *Occupational protective helmets*
AS/NZS 2210.1 2010 *Safety, protective and occupational footwear. Guide to selection, care and use*
AS/NZS 2210.2 *Occupational protective footwear. Specification for occupational footwear (ISO 20347:2004 MOD)*
AS 2865:2009 *Confined Spaces*
AS/NZS 4308:2008 *Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine*
AS 4602.1 2011 *High visibility safety garments. Garments for high risk applications*
AS3845 1999 *Road Safety Barrier Systems*
AS/NZS 2865 2009 *Confined Spaces*

Workcover New South Wales

Workcover NSW Guide: Contractors Working in Railway Construction
Workcover – Explosives Fact Sheet 12 Railway Track Signals
Workcover NSW Guide: Work Near Underground Assets

**Construction Agency
Co-ordination Committee**
Level 23, McKell Building
2-24 Rawson Place
Sydney NSW 2000
Phone: 02 9372 8877
Fax: 02 9372 8640
www.commerce.nsw.gov.au

New South Wales Government *Occupational Health and Safety Management Systems Guidelines, 4th Edition, June 2004*
New South Wales Government *Guidelines for preparing Site-specific Safety Management Plans and Safe Work Method Statements, June 2004*

National Transport Commission of Australia

Level 15, 628 Bourke Street
Melbourne VIC 3000
Phone: 03 9236 5000
Fax: 03 9642 8922
www.ntc.gov.au

National Standard for Health Assessment of Rail Safety Workers
Volume 1: Management Systems
Volume 2: Health Assessment Procedures and Medical Criteria

APPENDIX 2

NOTIFIABLE OCCURRENCES

Notifiable occurrences include (but not limited to):

- The death or illness of any person
- A serious injury to any person
- Any incident in which a person:
 - falls from a railway platform, bridge or structure
 - falls between a train and a platform
 - falls from a train during the running, starting or stopping of a train
 - slips, trips or falls on a train, platform, concourse, escalator, lift or stairs
 - is struck by a train or by rolling stock
 - is struck by an object thrown at or from a train
 - is struck by or receives a shock from electricity
 - is assaulted
 - is injured or affected by any substance or dangerous goods
- Any derailment of a train or rolling stock
- Any incident involving plant, substances or dangerous goods that causes, or has the potential to cause, fire, explosion or pollution, or has the potential to injure or affect the health and safety of any person
- Any fire or explosion that affects, or has the potential to affect, railway infrastructure, a train or rolling stock, the safe operation of the railway or the health and safety of any person
- Any incident that causes, or has the potential to cause, pollution of or damage to the environment
- Any act of vandalism (including graffiti)
- Any incident involving animals or livestock
- Any serious breach of a safe work method or procedure (whether by the Service Provider, its sub-contractors or any other person)
- Any positive test to the presence of the prescribed concentration of alcohol or the presence of a drug in quantities equal to or greater than the cut-off levels specified in AS/NZS 4308:2008
- Any failure of or defect in railway infrastructure, a train or rolling stock that affects, or has the potential to affect, the safe operation of the railway or the health and safety of any person.