

Contracting in the Rail Industry

Accreditation and Safety Management Systems Guideline



Notice to Users

This RISSB product has been developed using input from rail experts from across the rail industry and represents good practice for the industry. The reliance upon or manner of use of this RISSB product is the sole responsibility of the user who is to assess whether it meets their organisation's operational environment and risk profile.

Document Control

Identification

Document Title	Version	Date
Guideline – Contracting in the Rail Industry	1.0	21 September 2017

Document History

Publication Version	Effective Date	Page(s) Affected	Reason for and Extent of Change(s)
1.0	21/09/2017	n/a	First version

Copyright

© RISSB

All rights are reserved. No part of this work may be reproduced or copied in any form or by any means, electronic or mechanical, including photocopying, without the written permission of RISSB, unless otherwise permitted under the Copyright Act 1968.

Cover image by David Sutherland – Major concrete sleeper replacement contract in Victoria.

Contents

1	Introduction	4
1.1	Purpose	4
1.2	Scope	5
1.3	Objectives	5
1.4	Definitions	5
1.5	Responsibility	6
1.6	References	6
2	Key Requirements of the RSNL.....	7
2.1	Principle of Shared Responsibility, Accountability etc.....	7
2.2	Application of this Principle to Rail Safety Duties	7
2.3	General Duties	8
2.3.1	General Duties of All RTOs.....	8
2.3.2	Duties for RIMs	8
2.3.3	Duties for RSOs.....	8
2.3.4	Duties for Contractors	9
2.3.5	Duties of Rail Safety Workers	9
2.4	Contractor Monitoring/Review	10
2.5	Meaning of 'Railway Operations'	10
2.6	Prohibition of 'Contracting Out' Legal Obligations	10
2.7	Principal Contractors.....	11
3	The SMS and Contracting Requirements	12
4	Accreditation and Contracting.....	13
4.1	Accreditation Requirements	13
4.2	Principal Contractors and Accreditation.....	14
4.3	Meeting the Accreditation Requirements	14
4.4	Contracting and the Scope of the Railway Operations	15
4.5	Rail Safety Work	15
4.6	Determining who has 'Effective Management and Control'	16
5	Contractors and the RTO Safety Management System	17
5.1	Interface Management	17
5.2	Contract Between RTO and Unaccredited Contractor	18
5.3	Contract Between RTO and Accredited Contractor	19
5.3.1	Labour hire type contract	20
5.3.2	Specialised contract service delivery	20
5.3.3	RTO Whose Accreditation does not Cover the Contract Works	20
5.4	RTO and Accredited Contractor SMS Interface.....	21
6	Contractors and Railway Operations on a Private Siding.....	22
	Appendix A. Contract Accreditation and SMS Selection Tool	23

Contracting in the Rail Industry

1 Introduction

This guideline is for all those who use or have responsibility for selecting, engaging, managing and reviewing contractors in the railway industry. It has been developed making use of other material from sources including the Office of the National Rail Safety Regulator (ONRSR), in particular their publication 'Effective Control and Management of Railway Operations'. Their permission in allowing this is gratefully acknowledged.

This guideline is primarily aimed at the responsibilities and requirements under the Rail Safety National Law (RSNL) in relation to accreditation, SMS requirements and the interface aspects in contracting arrangements in the rail sector. It does not deal with aspects in relation to Workplace Health & Safety Law other than peripherally. This area already has significant guidance and advice relating to these matters and contract management which established organisations will have enshrined within the legal and procurement processes.

This Guidance is not intended to replace the legislation, or to limit or expand the scope of the legislation. In the event of an inconsistency between this Guidance and the legislation, the legislation will prevail. It is recommended that users of this guideline obtain their own, independent legal advice about the legislation.

It is intended that this is the first of a series of guidelines in relation to contracting and contractor management which will build to address all aspects of this often complex and difficult area.

1.1 Purpose

The purpose of this guideline is to assist Rail Transport Operators (RTOs) in understanding their responsibilities under RSNL for engaging contractors to carry out Rail Operations.

The RSNL makes all persons carrying out railway operations accountable for rail safety through a general duty to ensure, so far as is reasonably practicable, the safety of those railway operations. The RSNL also requires rail transport operators to be accredited, or exempt from accreditation, and have a Safety Management System (SMS) or other safety system, for exempt Rail Infrastructure Managers (RIMs), with which contractors carrying out railway operations are required to comply. The purpose of this document is to provide guidance on –

- the general duties of rail transport operators, and other persons carrying out railway operations such as contractors;
- identifying who may be accredited to undertake certain railway operations;
- options for meeting the requirement that contractors carrying out railway operations must comply with the rail transport operator's SMS; and
- good practice in contract management.

It will provide guidance to RTOs for managing those responsibilities and relationships. The guideline is expected to also be useful to contractors themselves in gaining an understanding of what is expected of them when they are engaged to carry out Railway Operations and specific Rail Safety Work.