



EM-005-00 Procurement and Contract Management

(National Regulations – schedule 1 cl 18)

OTHR must ensure that procurement and contract management procedures consider safety aspects.

Under the law, OTHR will be held directly accountable and responsible for safety within the scope of their operations. Under both the rail safety law and prevailing workplace health and safety laws, it is not possible to contract out any safety responsibilities. This means that OTHR is responsible when someone is contracted to do rail safety work.

OTHR must ensure it understands what they need to do and how they can manage procurement and contractors, if considering whether or not contractors are performing rail safety work.

A contractor is someone who is not employed and who is engaged to perform rail safety work for OTHR. When OTHR engages a contractor to perform tasks designated as rail safety work, the contractor is considered to be a rail safety worker.

This may be on a single or ongoing basis. There is no requirement for a physical 'contract' between OTHR and the contractor, so long as there is an arrangement to do work.

Examples of contractors could include:

- An external maintainer engaged to maintain a specific locomotive type;
- A training organisation to perform competency assessments;
- An Engineer engaged to develop standards;
- A consultant engaged to certify track post maintenance works;
- An engineman engaged through a labour hire company on a short-term basis;
- An engineer who is de-commissioning a steam locomotive;
- A consultant who is facilitating operational risk assessments;

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- A motor mechanic who is servicing a Road Rail Vehicle.

OTHR must ensure that contractors who are to perform rail safety work are able to demonstrate that they are Fit for Duty under the National Health Assessment Standard for Rail Safety Workers (see Element 27 Health and Fitness) before they are engaged to commence rail safety work.

In relation to procurement, OTHR should consider how and what they purchase and the impact on safety. This will include a statement on how safety is considered when buying products or services.

Associated Documents

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