COMPLYFLOW



CONTRACTOR COMPLIANCE GUIDES

Infrastructure Asset Management: the contractor compliance guide.

What Australian law asks of road, rail, and water asset owners when contractors work on their networks, and how to prove you met it.

Current to November 2026
Model WHS laws as at 5 December 2025; Rail Safety National Law as at 26 May 2025, its Regulations as at 1 July 2026, and ONRSR guidance to August 2026; sources read between 5 and 12 November 2026

Includes
A checklist, an incident card, and a corridor access map

Covers
Roads, rail, toll roads, and water assets, in every state and territory, Victoria named

START HERE

The short version.

What is your authority or operator responsible for when contractors work on its network, and what should you check before they start?

Most of the work on a road, a railway, or a water network is done by other businesses: the track gang, the traffic controller, the electrician at the pump station, the cleaner at the station, the security patrol at the depot.

1 **The owner or operator is the business, and contractors' workers are its workers too.** A worker includes a contractor and a contractor's employee, and the duty reaches workers the business engages or directs (page 5).[1]

2 **Maintenance on a live network is usually construction work, and often high risk.** Repairing or maintaining a structure is construction work unless it is of a minor nature, transport infrastructure is a structure, and construction work beside a road or railway in use by traffic is high risk construction work, which needs a safe work method statement before it starts (pages 10 and 11).[1, 2]

3 **Where the asset is a railway, a second law applies.** Under the Rail Safety National Law, the operator must ensure, so far as is reasonably practicable, that every rail safety worker, a contractor's included, is fit and competent, and a contractor that carries out railway operations must comply with the operator's safety management system as it applies to that work (pages 13 and 14).[6, 8]

4 **Commissioning the work can make you the principal contractor.** Under the model Regulations, the business that commissions a construction project is its principal contractor unless it engages another and authorises it to manage or control the workplace (page 16).[2]

5 **Approved once is not checked today.** A contractor approved at tender says little about the worker at the access point tonight. Our recommendation: check each worker's licence, ticket, and competence for the task, at the site, before the work; for a high risk work licence, seeing it first is the law (page 3).[2]

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01 THE PRACTICAL TEST

The practical test is what you can show.

A network owner approves a contractor once, at tender or for a panel. Its people then work at access points the panel never sees. The question a regulator asks: who was in the corridor, and what did they hold on the day?



An approved contractor is not a ready worker.

Most checks stop at the company. The law reaches further. A contractor's employees who carry out work for the owner are its workers too, for WHS purposes (section 7(1)),[1] and before anyone does high risk work that needs a licence, the business directing or allowing it must see written evidence of that licence (r 85).[2] A civil contractor on the panel since 2023 says little about whether the crane operator it sends tonight holds the right licence class.

ASSESSED BEFORE ENGAGEMENT; REVIEWED ON ANY CHANGE

The company

- ✓ Assessed at tender or for the panel, its safety record included; again on a change of scope, an incident, or a lapse
- ✓ Its workers compensation and public liability cover, and their dates (page 27)
- ✓ The contract: who checks, who authorises the work, and who reports what

OUR RECOMMENDATION: A STATUS CHECK AT EACH ACCESS POINT, EACH VISIT

Each worker, at each site

Corridor | Road works | Pump station

- ✓ Any high risk work licence, of the right class and current, sighted before the work: that one is law[2]
- ✓ The tickets the job needs, such as traffic control, and on a railway the competence the operator has assessed (page 14)
- ✓ Inducted to this site, signed in, authorised for the task, and supervised to match the work

Where it usually breaks.

Four common gaps, each one leaving an owner unable to show who was on the network and what they held.

A list per contract.

The maintenance alliance, the capital program, and the facilities contract each keep their own copy of the same traffic company's certificates.

Checked by hand.

Someone types each ticket's expiry into a spreadsheet. It holds until a shutdown brings 200 workers to one gate.

Sites with nobody there.

A pump station, a culvert, or a signal hut has no front desk. A paper book at the depot answers nothing about who was at it.

No view across the network.

Nobody can say who is current across every corridor, or who was in last Saturday's possession.

One standard, every access point. One process for every contractor, requirements matched to the role, task, and state. Each gap above makes the verification step of an officer's due diligence harder to show: the model Act says due diligence includes taking reasonable steps to verify the provision and use of the business's health and safety resources and processes (section 27(5)(f)).[1]



02 THE DUTY HOLDERS

The owner or operator is the business.

Work health and safety law puts its main duty on a "person conducting a business or undertaking", a PCBU, whether or not it is conducted for profit or gain. A road authority, a rail operator, a toll road company, and a water utility are each one.[1] The duty reaches the station cleaner as surely as the track gang.

> **"A duty cannot be transferred to another person."**
>
> Model Work Health and Safety Act, section 14. The Rail Safety National Law says the same of its own duties (section 51(1)) [1, 6]

02 THE DUTY HOLDERS

Who the owner owes the duty to.

Three sections of the model Act decide it. Read together, they reach well past the people on the owner's payroll.

Contractors are workers.

A person is a worker if they carry out work in any capacity for a PCBU, including as "a contractor or subcontractor" or "an employee of a contractor or subcontractor" (section 7(1)). [1]

Engaged or directed is enough.

The business must ensure, so far as is reasonably practicable, the health and safety of workers "engaged, or caused to be engaged" by it, and of workers whose activities in carrying out work are "influenced or directed" by it (section 19(1)). That can reach an alliance partner's subcontractor the owner never contracted with. [1]

Each site carries its own duty.

Whoever manages or controls a workplace must ensure, so far as is reasonably practicable, that the workplace, the ways in and out, and anything arising from it are without risks to the health and safety of any person (section 20(2)). [1]

Who is on an infrastructure network.

The owner or operator sits at the top. Everyone below it brings people onto the network, and each needs a place in your checks.

The owner or operator
The PCBU: a road or rail authority, a rail operator, a toll road company, or a water utility

Network control and maintenance
Parts of the business, not separate ones: each engages and directs its own contractors

The chief executive and the executive
Officers: the board, the chief executive, and others who meet the officer tests (page 7); the role decides, not the title

Other duty holders on the corridor
A principal contractor on a project, a rolling stock operator, a road manager at a level crossing, and the utilities whose services cross the corridor

Contractors
Track and civil crews, traffic control, electrical and signalling, vegetation and grounds, cleaners, security, plant hire, and pest control

Subcontractors and labour hire
The contractors' own subcontractors, agency staff, and apprentices

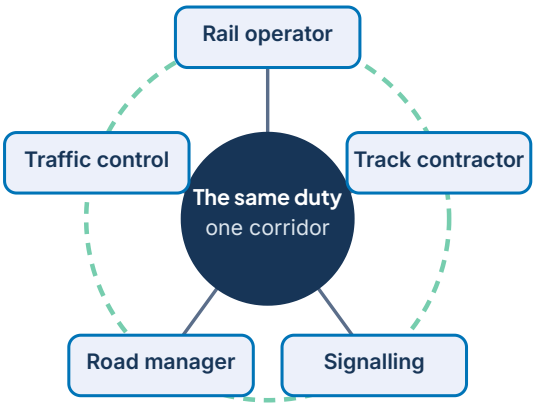
Maintenance and alliance partners
Running parts of the network under long contracts, and engaging many of the others for the owner

Owned by the Commonwealth. Under the Commonwealth WHS Act, a "public authority" includes a Commonwealth company, unless the Regulations exclude it, and state and territory WHS laws do not apply to a public authority (section 4, section 12(3)). [19] Finance lists the Australian Rail Track Corporation as a Commonwealth company, and the Commonwealth Regulations name Inland Rail Pty Ltd as a public authority (r 6C). [20, 21] Our reading: an owner like these starts from the Commonwealth Act and Comcare. Its contractors are usually under their own state or territory law, but not always: Comcare says the Commonwealth Act can also cover another business, such as one that manages or controls a workplace, or constructs structures there. [38] So one incident can mean two regulators. Settle each party's law and regulator, and do not infer it from the owner or the site.

02 SHARED DUTIES

Shared, but never handed over.

A night possession puts the rail operator, the track contractor, the signalling contractor, the traffic control company, and the road manager on one stretch of corridor. Four rules apply to every one of them.



Consult, cooperate, and coordinate

1. **Held at once, each to its own control.** "More than 1 person can concurrently have the same duty" (section 16(1)). Each keeps responsibility for its own duty and must discharge it to the extent of its capacity to influence and control the matter, or the capacity it would have had but for an agreement or arrangement that tries to limit or remove it (section 16(3)).[1] The Rail Safety National Law has the same rule (section 51(4)).[6]
2. **Worked together.** Each "must, so far as is reasonably practicable, consult, co-operate and co-ordinate activities with all other persons who have a duty in relation to the same matter" (section 46).[1]
3. **Workers consulted too.** So far as is reasonably practicable, each consults the workers who carry out work for it, contractors' workers included, who are, or are likely to be, directly affected by a health and safety matter, and involves their health and safety representative where they have one (sections 47 and 48(2)).[1] A meeting between businesses does not meet it.
4. **Never transferred.** "A duty cannot be transferred to another person" (section 14). A contract term that tries to exclude, limit, or modify a duty, or transfer it, is void (section 272).[1]

> **"WHS duties cannot be contracted out to another party, such as a subcontractor."**
> Safe Work Australia, WHS duties in a contractual chain, March 2022[24]

On a railway, responsibility follows the risk.

The Rail Safety National Law makes rail safety the shared responsibility of operators, rail safety workers, and the people who design, construct, maintain, repair, or modify rail infrastructure. Managing a risk is "the responsibility of the person best able to control those risks" (section 50).[6]

In Victoria.

Victoria's OHS Act has no general version of section 46. Its consult, cooperate, and coordinate duty between duty holders is limited to labour hire workers (s 35A). The employer's duties to its contractors (s 21) and to other people (s 23), and the duty of whoever manages or controls the workplace (s 26), still apply to each business on the corridor (page 9).[4]



03 OFFICERS

Due diligence is personal.

Under the model WHS Act, an officer of a PCBU "must exercise due diligence to ensure that the person conducting the business or undertaking complies with that duty or obligation" (section 27(1)), and can be convicted whether or not the business itself is (section 27(4)).[1] The Rail Safety National Law puts the same duty on the officers of a rail duty holder, in the same six steps (section 55).[6]

Who is an officer.

Is the owner a company, a government department, a public authority, or another business?

A company director or secretary is an officer, and so is anyone who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business, who can significantly affect its financial standing, or whose instructions the directors usually follow (section 4, taking the Corporations Act meaning). For the Crown, such as a government department, and for a public authority, an officer is a person "who makes, or participates in making, decisions that affect the whole, or a substantial part" of its business or undertaking (sections 247 and 252); a Minister is not one. What counts as a public authority is for your jurisdiction's Act.[1, 33]

Then

Name the officers by what they decide.

At a network owner, that can include the chief executive, the board, and the executive who run operations, maintenance, and capital works: the role decides, not the title.

What an officer risks.

Under the model Act, a Category 1 offence, the most serious of the three categories of health and safety duty offence, carries a fine, up to 10 years in prison, or both, for an officer (section 31). Each jurisdiction sets its own penalties, and the Commonwealth Act allows up to 15 years: check yours.[1, 19] It is not the ceiling: the model Act leaves room for an industrial manslaughter offence, and Victoria and WA are two that have one (below, and page 9).[39]

In Victoria.

The OHS Act 2004 (Vic) takes "officer" from section 9 of the Corporations Act (s 5(1)). An officer commits an offence where the body's contravention is attributable to the officer's failure to take reasonable care (s 144), and the workplace manslaughter offence also reaches officers (s 39G).[4]



03 OFFICERS

Due diligence includes taking reasonable steps to:

Each card gives one of the six steps the model Act lists, then what it can look like at a network owner. The last, verify, checks that what (c) to (e) put in place is provided and used.

a

Know.

Acquire and keep up to date knowledge of WHS matters.

At a network owner: a briefing when the state changes its notification rules, or the national traffic management guide changes.

b

Understand.

The operations, and their hazards and risks.

At a network owner: knowing which sites have nobody at the gate, where work runs beside live traffic, and which assets hold asbestos.

c

Resource.

Make sure the business has, and uses, appropriate resources and processes to eliminate or minimise risks.

At a network owner: one funded contractor process, used by every contract and region, not only the capital program.

d

Hear and respond.

Make sure it has appropriate processes to receive and consider information on incidents, hazards, and risks, and to respond in a timely way.

At a network owner: contractor incidents reported to the same place as staff ones, including near misses at access points.

e

Comply.

Make sure it has, and implements, processes for complying with its duties, such as reporting notifiable incidents.

At a network owner: a written route for who notifies the WHS regulator, and on a railway who reports to ONRSR.

f

Verify.

Verify that the resources and processes in (c) to (e) are provided and used.

At a network owner: a regular report that shows the checks happened, not only that the policy exists.

The model WHS Act, section 27(5)(a) to (f);[1] the Rail Safety National Law, section 55, for rail safety;[6] the examples are ours.

What the executive can ask for.

Four regular reports that show the checks happen, not only that they are planned: evidence for the verify step above. One of them samples the work itself.

Contractors engaged this quarter, by contract and corridor, and how many were checked before their first shift.

Licences, tickets, and rail competences due to lapse in the next 30 days, and any whose status changed (suspended, cancelled, or reassessment overdue), by contractor.

High risk construction work authorised, how much was checked on site, and a sample of permits and SWMS compared with the work done.

Incidents, which regulator was told, and the corrective actions still open past their due date.

04 WHERE THE LAWS DIFFER

One set of model laws, real differences.

Safe Work Australia says: "Victoria is the only jurisdiction who has not implemented the model WHS laws." Some others have made substantial variations.[3] A network owner meets the WHS law that covers it, and on a railway the Rail Safety National Law as well.

Law	What it says	What it means for a network owner
Victoria	Occupational Health and Safety Act 2004 (Vic). An employer's duties extend to independent contractors it engages, and their employees, "in relation to matters over which the employer has control or would have control if not for any agreement purporting to limit or remove that control" (s 21(3)(b)), and it must ensure, so far as is reasonably practicable, that people other than its employees are not exposed to risks from its undertaking (s 23). Whoever has the management or control of a workplace must ensure, so far as is reasonably practicable, that it and the means of entering and leaving it are safe and without risks to health, for matters it manages or controls (s 26).[4]	Its Regulations name roads, railway lines, tramway lines, bridges, waterworks, dams, and sewers as structures (r 323), and list work "on or adjacent to roadways or railways used by road or rail traffic" as high risk construction work (r 322(o)).[5]
Western Australia	Work Health and Safety Act 2020 (WA). It binds the Crown (s 10), and has its own industrial manslaughter offence (s 30A).[29]	The full current Rail Safety National Law has applied in WA from 1 October 2024, through the Rail Safety National Law Application Act 2024.[10, 11]
Every other state and territory	Each jurisdiction's own version of the model WHS Act and Regulations.[3] In NSW, SafeWork NSW says the Work Health and Safety Regulation 2025 (NSW) commenced on 22 August 2025, and that its provisions are now called sections.[27]	The duties are broadly alike, but text and numbering can differ: check your own jurisdiction's.
Rail Safety National Law	A Schedule to a South Australian Act, adopted and modified by an Act in each state and territory, with ONRSR as the rail safety regulator. It applies in addition to the WHS law, which prevails where the two are inconsistent (s 48(1) and (2)); nobody is punished twice for the same act (s 49).[6, 10]	ONRSR has regulated rail safety in Victoria in its own right since 2 December 2019, when its service agreement with Transport Safety Victoria ended.[10] Check your own state's adoption Act for local changes.

Where the principal contractor rules start

AU$250,000 Model laws, and NSW (says SafeWork NSW)[2, 34]

AU$350,000 Victoria[5]

AU$450,000 South Australia[28]

AU$0

Each figure is "or more". One resurfacing contract can make the owner its principal contractor in one state and not another (page 16).

Unless another law is named, section and rule numbers in this guide are the model WHS Act's and Regulations', and "RSNL" marks the Rail Safety National Law. Your state's numbers may differ, and Victoria's is a different Act.[1, 2, 6]





05 WORKING ON A LIVE NETWORK

Maintenance on a live network is construction work.

Under the model laws, a structure includes pipelines, "transport infrastructure", and underground works, and maintaining or repairing one is construction work. Testing, maintenance, or repair work of a minor nature is not.[1, 2] Much of the rest is high risk.

> **High risk construction work includes construction work that "is carried out on, in or adjacent to a road, railway, shipping lane or other traffic corridor that is in use by traffic other than pedestrians".**
>
> Model Work Health and Safety Regulations, regulation 291(n)[2]

05 WORKING ON A LIVE NETWORK

High risk construction work: 6 of the 18 kinds, as they show up on a network.

The model Regulations list 18 kinds of high risk construction work. These six turn up on roads, railways, and water networks again and again.

Roads and rail

Beside live traffic

On, in, or adjacent to a road, railway, or other traffic corridor in use by traffic other than pedestrians (r 291(n)).

Possessions and depots

Mobile plant

In an area at a workplace with any movement of powered mobile plant (r 291(o)).

Pipes and cuttings

Trenches and tunnels

In or near a shaft or trench deeper than 1.5 metres, or a tunnel (r 291(g)).

Signals and pump stations

Energised services

On or near energised electrical installations or services (r 291(k)).

Pits, wet wells, and sewers

Confined spaces

In or near a confined space (r 291(f)).

Reservoirs and waterways

Water

In or near water or other liquid with a risk of drowning (r 291(q)).

In Victoria, the list is regulation 322 of the OHS Regulations 2017, with 19 kinds; its road and rail item is work "on or adjacent to roadways or railways used by road or rail traffic" (r 322(o)).[5]

Three rules that then apply.

If construction work matches one of the kinds, all three apply. The first two are about the safe work method statement (SWMS); the third, induction training, covers all construction work, high risk or not.

1

SWMS first.

Before high risk construction work starts, the business carrying it out must ensure a safe work method statement is prepared, or has already been prepared by someone else, and it is needed at any project value.

r 299(1)[2]

2

Follow it, or stop.

Once there is one, the work follows it, or stops.

r 300[2]

3

Induction training.

A business must not direct or allow a worker to carry out construction work unless the worker has completed general construction induction training and, if that was more than 2 years ago, has carried out construction work in the last 2 years.

r 317(1)[2]



05 WORKING ON A LIVE NETWORK

Traffic: planned, authorised, and controlled by the right people.

Traffic is a risk to the crew and to the public driving through. Three rules shape how it is managed, and who may stand in front of it is set state by state.

The principal contractor manages it.

On a construction project, the principal contractor must manage the risks of "traffic in the vicinity of the workplace that may be affected by construction work", and of essential services at the workplace (r 315).[2] Whoever controls powered mobile plant manages the risk of it colliding with any person or thing (r 214).[2]

The road authority sets the terms.

Safe Work Australia's guide says that for work on or near a public road, the business should contact the road authority for its traffic management requirements and put them in a traffic management plan, reviewed regularly, including after an incident. Authorisation is needed before traffic control plans are put in place on public roads.[13]

A national guide, adopted locally.

The Austroads Guide to Temporary Traffic Management is national guidance, not law, which road authorities adopt "at their own pace" through their own instruments. Updated editions of nine of its parts were released on 15 June 2026.[14, 15]

Who may control traffic: check your state.

Traffic controllers work to the road authority's requirements, and Safe Work Australia says their training and accreditation should be confirmed with that authority.[13] Where you are the road authority, our view: check your own contractors' plans and tickets as you would anyone else's. Two states, as their own regulators state it:

New South Wales.

SafeWork NSW says a Traffic Control Work Training card is mandatory for anyone doing traffic control work on or adjacent to public roads, in three classes: traffic controller, implementing traffic control plans, and preparing a work zone traffic management plan (page modified 30 September 2026).[17]

Queensland.

Transport and Main Roads says a person authorised to control traffic must be accredited under its Traffic Controller Accreditation Scheme, and that following the Scheme's Approved Procedure is a statutory condition of accreditation (January 2022).[16]

Services in the ground and lines overhead.

A network crosses other networks. Before the ground is broken or a boom is raised, find out what is there.

Digging.

Before excavation starts, whoever manages or controls the workplace takes all reasonable steps to get current underground essential services information, gives it to the business doing the digging, and keeps it available (r 304). For a trench at least 1.5 metres deep, the work area is secured, so far as is reasonably practicable, and the risk of collapse is minimised by adequately supporting all sides by one or more of shoring by shielding or other comparable means, benching, or battering, unless a geotechnical engineer advises in writing, for a stated period, that all sides are safe from collapse (r 306). A shallower dig can still collapse (r 305): our view, reassess when the ground, water, or weather changes.[2] Before You Dig Australia offers free services plans.[18]

Electric lines.

A business must ensure, so far as is reasonably practicable, that no person, plant, or thing comes within an unsafe distance of an overhead or underground electric line. Where that is not reasonably practicable, it assesses the risk, and its controls follow the assessment and any requirements of the electricity supply authority responsible for the line (r 166).[2] On an electrified railway, that includes the traction wires: our view.



06 RAIL SAFETY LAW

Where the asset is a railway, two laws apply.

The Rail Safety National Law runs beside the WHS law, not instead of it. ONRSR regulates it in each state and territory that has adopted it. Complying with it is not in itself a defence to a WHS charge.[6, 10]

> **"If a provision of the occupational health and safety legislation applies to railway operations, that provision continues to apply, and must be observed, in addition to this Law."**
>
> Rail Safety National Law, section 48(1)[6]

06 RAIL SAFETY LAW

Who is who on a railway.

The Rail Safety National Law names its duty holders by what they control, not by who owns the track. Three definitions decide who holds which duty.

Rail infrastructure manager.

The person with "effective control and management" of the rail infrastructure, whether or not it owns it. Rail infrastructure includes track, signalling and train control systems, electrical supply, depots and yards, and plant (s 4).[6]

Rolling stock operator.

The person with effective control and management of the operation or movement of rolling stock. Either, or both, is a "rail transport operator", and most duties fall on that operator.[6]

Rail safety worker.

Any individual who does rail safety work, whoever employs them: maintaining or inspecting rail infrastructure, signalling, and work that may expose them to moving rolling stock, among other classes (s 8). ONRSR says that includes contractors working under the operator's accreditation, but not utilities workers outside the operator's effective control.[6, 8]

What the operator owes every rail safety worker, a contractor's included.

The operator must ensure, so far as is reasonably practicable, the safety of its railway operations (s 52(1)). For each rail safety worker, that means five things, and the programs behind them are the operator's to run, not the contractor's.[6]

1

Fit.

Assessed to the national health standard (2024 edition), against the risk category the operator sets for the role.

s 52(2)(b), s 114; r 27[6, 7, 37]

2

Competent.

Assessed against recognised qualifications and units where they exist, with records kept.

s 117; r 30[6, 7]

3

Not impaired.

Not working while impaired by alcohol, drugs, or fatigue, under the operator's programs for each.

s 52(2)(c), (d), ss 115, 116[6]

4

Trained.

Given the information, instruction, training, and supervision the work needs.

s 52(2)(f)[6]

5

Identified.

Carrying identification that lets a rail safety officer check their competence and training.

s 118[6]

And what the contractor owes the operator.

A business that is not the operator but carries out railway operations, such as building or maintaining track, holds the operator's section 52 duty for that work (s 52(5)). It must comply with the operator's safety management system as it applies to that work, with a maximum of AU$500,000 for a body corporate and AU$50,000 for an individual, in the Law as published in South Australia (26 May 2025 version; check your state's adoption Act) (s 119). Its rail safety workers take reasonable care and follow the operator's reasonable instructions (s 56).[6] ONRSR's own line: "safety risk can not be contracted out".[9]

06 RAIL SAFETY LAW

Contracts are part of the safety management system.

An accredited operator must have, implement, and comply with a safety management system (ss 99, 101), and it must cover every relevant matter in Schedule 1 to the National Regulations (r 16). Four parts of it reach contractors directly.[6, 7]

Buying and managing contracts.

Systems to make sure tenders and contracts define the safety requirements, to select and control contractors, to monitor their performance, including audits, and to take remedial action where safety duties are not being met (Schedule 1, clause 18).[7]

Consulting them.

Before the system is set up or changed, the operator consults, so far as is reasonably practicable, the people who carry out the railway operations or work on its premises, their health and safety representatives and unions, and interfacing operators (s 99(3)).[6]

Hearing from them.

Internal reporting of accidents and incidents, "including accidents and incidents involving contractors and subcontractors" (Schedule 1, clause 14(c)).[7]

Ready for an emergency.

Contractors who may have to carry out the emergency plan are briefed on it and able to do what it asks of them, so far as is reasonably practicable (r 20).[7]

Changes on the national network. Since 28 February 2026, an accredited operator that the Regulator has told in writing is on the National Network for Interoperability needs an interoperability management plan in its safety management system for changes that will affect interoperability; operators the Regulator has determined to be tourist and heritage operators are exempt (ONRSR; National Regulations r 16(2), Sch 1 cl 20A).[7, 36] Our recommendation: route a contractor's change to signalling, technology, or operating rules through it.

Where road meets rail: interface agreements.

A level crossing has two managers, rail and road, whoever owns the land. The law makes both assess its risks and seek an agreement with each other, and the road manager's duty is as real as the rail infrastructure manager's.[6]

1

Both assess.

The rail infrastructure manager and the road manager each identify and assess the risks of a rail or road crossing on a public road, alone, jointly, or by adopting the other's assessment.

s 107(1), (2), s 109[6]

2

Both seek an agreement.

Each determines measures and must seek to enter into an interface agreement with the other.

the same section[6]

3

What it covers.

The measures, how they are tested and revised, each party's roles, how information is exchanged and compliance monitored, and review.

s 105(1)[6]

4

If one side stalls.

The law sets no deadline, but if a party unreasonably refuses or delays, ONRSR may warn them in writing and, if there is still no agreement by the date it sets, decide the arrangements and direct the parties to follow them.

s 110[6]

A "rail or road crossing" also includes a bridge carrying a road over a railway, or a railway over a road, by the Law's own definition, so the duty reaches overbridges, and rail transport operators whose railway operations affect each other must each seek an interface agreement with the other (s 106).[6] On a private road, the rail infrastructure manager decides whether the risks need managing with the road manager; if so, it tells the road manager in writing and both seek an agreement, and if not, it keeps a written record of that view (s 108).[6] **Our view:** give every crossing and bridge a row in the access map (page 33), with the agreement's date and review date, or on a private road the reason none is needed; escalate a stalled agreement, with interim controls meanwhile.

07 OWNER, PRINCIPAL CONTRACTOR, AND LONG CONTRACTS

Commissioning the work can make you the principal contractor.



A construction project is construction work costing AU$250,000 or more (in Victoria, the principal contractor rules start at AU$350,000, and South Australia's figure is AU$450,000). The business that commissions it is the principal contractor, unless it engages another and authorises it to manage or control the workplace. A project has only one at any specific time.[2]

Who is the principal contractor?

Our reading: first define the construction project and its total cost under the law that applies, then record which work packages sit within it, because ordering work in packages does not by itself make each one a separate project. Two questions then settle it, under the model Regulations.

Is it a construction project?
Construction work, which excludes testing, maintenance, or repair work of a minor nature, costing AU$250,000 or more (r 289(3)(d), r 292). Victoria's principal contractor rules start at AU$350,000, and South Australia's figure is AU$450,000 (page 9).[2, 5, 28]

No → **No principal contractor under these rules.**
Every other duty still applies: the owner's, as the business that engaged the work and controls the site.

Yes ↓

Has the owner engaged another business as principal contractor, and authorised it to manage or control the workplace?
And to discharge the principal contractor's duties (r 293(2)). If not, the owner that commissioned the project is the principal contractor (r 293(1)).[2]

Yes → **That business is the principal contractor.**
Our view: say so in the work order or contract, in writing, with the area and dates it controls.

What the principal contractor then does, whoever holds the role.

Four duties of the role, and the reason to name it in writing: if nobody else holds it, the owner does.

R 308
Signs showing its name and telephone numbers, including an after hours number, visible from outside the site.[2]

R 309, R 310
A written WHS management plan before work starts, and everyone who is to carry out the work made aware of it, so far as is reasonably practicable.[2]

R 312
All reasonable steps to get a copy of each SWMS before the high risk construction work starts.[2]

R 315
The risks of traffic near the workplace and of essential services there managed (page 12).[2]

07 OWNER, PRINCIPAL CONTRACTOR, AND LONG CONTRACTS

On a long maintenance contract or a panel.

A term contract runs for years and is ordered by work package. The roles move with each package, so write them down with each one. These are our recommendations, built on the duties above.

Name the role per package.

For each work order, record which construction project it belongs to, if any, and who the principal contractor is, for which area and dates, and how the role carries across each phase. A routine inspection and a bridge deck replacement under the same contract are not the same job.

Keep what you control.

Where the owner keeps control of corridor access, possessions, or network control, it keeps the duty that goes with that control, whatever the contract says (s 20(2), s 16(3)).[1]

Check the chain, not the head.

Panels hand work down to subcontractors and labour hire. The owner's duty reaches workers whose work it influences or directs (s 19(1)), so the worker at the access point is checked, whoever employs them (page 3).[1]

Hand over what you know.

The owner usually knows the asset best: what was built, when, and what is in it. Three rules move that knowledge to the people about to work on it.

The designer designs for safety.

A business that designs a structure to be used as a workplace must ensure, so far as is reasonably practicable, that it is designed to be without risks to those who build, use, and later demolish it (s 22).[1]

The designer reports the hazards.

The designer gives the business that commissioned the design a written report of the design-specific hazards to construction workers, and an owner that commissions a project but not the design takes all reasonable steps to get it (r 295).[2]

The owner passes it on.

An owner that commissions construction work consults the designer, so far as is reasonably practicable (r 294). One that engages a principal contractor must give it any information it has about hazards and risks at or near the workplace (r 296): asbestos, services, structural condition, and the traffic and train patterns around it.[2]

Commonwealth money can need an accredited builder.

The WHS Accreditation Scheme is law. The Commonwealth and its corporate entities must not fund building work unless the builders are accredited, except where the Rules exempt it. The Federal Safety Commissioner states the thresholds this way (fact sheet, January 2025; each figure includes GST, and work by a subcontractor is exempt under the Rules).[22, 23]

Directly funded.

An accredited builder must be engaged where a head contract for building work is worth at least AU$4 million.[23]

Indirectly funded.

As the Federal Safety Commissioner published it in January 2025, a project is captured where the Commonwealth's contribution is at least AU$6 million and at least 50% of the total, or at least AU$10 million; an accredited builder is then needed for a head contract of at least AU$4 million.[23]

08 AUTHORISING AND CONTROLLING THE WORK

Let in is not the same as authorised.

Signing in at the access point lets a contractor onto the network. It does not authorise them to open a switchboard, enter a pit, or step into the corridor: that takes a second step, and a handback.



The controls most jobs need.

Each row gives the control, what it means on a network, and its source. The law names the duty; the form you keep for it is yours, unless the law, a contract, or policy sets it.

Control	What it means on a network	Status and source
Task risk assessment	The job, the place, the traffic or trains, and the public and other crews nearby assessed before work starts, and the controls agreed, not left to the crew on arrival.	**LAW** eliminate or minimise risks so far as is reasonably practicable (ss 17 and 19; Regulations Part 3.1 where a regulation applies it) [1, 2] **GOOD PRACTICE** the written assessment
Confined spaces: before entry	An enclosed or partially enclosed space not designed or intended primarily for people to occupy, at normal atmospheric pressure while anyone is in it, with a risk from its atmosphere, contaminants, or engulfment (r 5). A pit, wet well, or culvert is not one by default: classify the space and the task. Before entry: a competent person's written risk assessment (r 66), and risk from connected plant and services eliminated or minimised, as by isolation (r 70). A standby person and communication (r 69); rescue set and practised (r 74). The written entry permit records them (r 67); it does not replace them.	**LAW** r 5, rr 66, 67, 69, 70, 74 [2] **GOOD PRACTICE** the permit's layout
Confined spaces: the atmosphere	The space is purged or ventilated so far as is reasonably practicable, never with pure or enriched oxygen, and kept at a safe oxygen level while anyone works in it; air-supplied respiratory equipment is the answer only where that is not reasonably practicable and oxygen is below 19.5%, the floor published in the model WHS Regulations of 2025 (r 71). Flammable gas is kept below 5% of its lower explosive limit so far as is reasonably practicable; at 10% or more, or 5% without a continuous detector, workers leave at once, as published in the same Regulations of 2025 (r 72). Meeting these limits means knowing the atmosphere: the risk assessment considers it and how it may change (r 66), so it is checked before entry and, where the assessment calls for it, while anyone is inside. These figures are not an entry procedure on their own.	**LAW** rr 66, 71, 72, and the checks needed to meet them [2] **GOOD PRACTICE** a competent person testing with a calibrated detector

08 AUTHORISING AND CONTROLLING THE WORK

Isolation, protection, fitness, and handback.

Checks a licence will not show: who isolated what, whether protection is in place beside the trains, whether each worker is fit for tonight, and how the asset goes back into service.

Control	What it means on a network	Status and source
Permits and isolations	Corridor access, hot work, and isolating traction power, signals, water, sewer, or gas run under a permit, each with a named person who issues and closes it. Our recommendation: an isolation is issued only by whoever has authority over that system, such as network control for traction power or the utility for its own main. The permit names the systems affected, how each is locked or controlled, how the safe state is proved before work, stored pressure, charge, or movement included, and who approves reinstatement; where more than one owner is involved, the permits are linked. Electrical work is not carried out on energised electrical equipment except as the Regulations allow, and that duty sits with the business doing the work (r 153, r 154, r 157).	LAW s 19; no electrical work on energised equipment, r 154 [1, 2] GOOD PRACTICE the permit forms, the isolation authority, and linked permits
Worksite protection, beside trains	Being let into the corridor is not protection. Before anyone goes on or near the track: the protection method the network's rules require for this work, a competent person in the protection role, the work limits, a briefing for everyone inside them, communications that work there, and confirmation that protection is in place before work starts. Adjacent lines still open, and any change to the limits, are briefed again. The method is the operator's: one network's procedure is not a national rule.	LAW a contractor carrying out railway operations follows the operator's safety management system for that work, RSNL s 119 [6] GOOD PRACTICE the check named, before work
Fit for this shift	A current card and medical say nothing about tonight. Under the operator's fatigue arrangements, check before the shift each worker's recent hours, including work for other employers, their rest and travel, and the breaks and relief planned, with a plan for an overrun. Give workers a way to report fatigue without pressure to carry on. This is separate from the periodic health assessment (page 14). No single national maximum shift length applies, but in NSW and Queensland the National Regulations set maximum shifts and minimum breaks for train drivers (Schedule 2).	LAW the operator ensures, so far as is reasonably practicable, that no one works impaired by fatigue, under its fatigue program, RSNL s 52(2)(d), s 116; National Regulations r 29, Sch 2 [6, 7, 40] GOOD PRACTICE the pre-shift check
Heights	Gantries, bridges, poles, and reservoir structures: any fall that is reasonably likely to cause injury managed, whatever the height.	LAW r 78 [2] GOOD PRACTICE the access permit
Handback	The corridor or site inspected and cleared, services and signals reinstated and tested, and the permit closed, before traffic, trains, or the public return. Temporary worksite controls come off only as authorised, in the order the network sets; any restriction, barrier, or sign still needed stays. The record shows the tests, open defects, and any temporary speed, load, or operating limit, and the network, road, or asset authority that accepts the asset back, and who can refuse it.	LAW the workplace without risks so far as is reasonably practicable, s 20(2) [1] GOOD PRACTICE the signed handback, accepted

08 AUTHORISING AND CONTROLLING THE WORK

The hazards a network adds.

Remote sites, older assets, and public-facing work bring risks a licence check will not find. These rows are prompts, not a technical manual: where work needs a specialist, name one as its owner.

Control	What it means on a network	Status and source
Remote and alone	A technician alone at a pump station, or a patrol on a corridor at night, needs a system of work with effective communication, so help can be called (r 48), and the site's emergency plan (r 43). Decide who watches the check-ins, and what a missed one triggers.	LAW r 48, r 43[2] GOOD PRACTICE the check-in plan
Water and sewer assets	Prompts for work on a main, a pump station, a treatment plant, or a sewer: unexpected inflow and stored pressure isolated and proved safe (page 19); gases such as hydrogen sulphide, and treatment chemicals, assessed with the confined space and chemical risks; sewage exposure controlled with washing facilities, protective equipment, and clean-up; drowning and rescue planned where there is water (for construction work in or near water with a risk of drowning, a SWMS: r 291(q), r 299); drinking water protected from contamination, and the asset returned to service only when the water utility authorises it. Name who makes any environmental or public health notification, and which specialist procedure applies. These are prompts for the task, not one rule for every water job.	LAW s 19; for construction work near water, a SWMS, r 291(q), r 299[1, 2] GOOD PRACTICE the prompts, and who notifies
Asbestos, before work that opens up an asset	Whoever manages or controls the workplace keeps the asbestos register readily accessible, and gives a copy to anyone whose work there risks exposure (r 425, r 427). A register is not permission to cut into a station roof or a pit lining, and the register rule applies to buildings (r 425(5)). Before refurbishing or demolishing a structure or plant from before 31 December 2003, other than minor or routine maintenance, the register is reviewed, revised if inadequate for the work, and given to the business doing it, which must get one; where the asset has no register, such as a culvert or a pipe, that business first has a competent person inspect it, and assumes asbestos where that is uncertain or an inaccessible part is likely to be disturbed (rr 447 to 451). Asbestos likely to be disturbed by a refurbishment is identified, and removed so far as is reasonably practicable, before it starts (r 456). After licensed removal, a clearance inspection before the area is used again (r 473).	LAW r 425, r 427, rr 447 to 451, r 456, r 473[2] GOOD PRACTICE stop work and isolate the area if suspect material turns up
Silica dust	By the test published in the model WHS Regulations of 2025 (r 529A), cutting, drilling, or grinding concrete, masonry, or other material with 1% or more crystalline silica, by power tool or mechanical plant, is processing it. It must be controlled: risks eliminated or minimised so far as is reasonably practicable, at least one effective wet, extraction, ventilation, enclosed-cabin, or isolation measure, and respiratory protection worn by anyone still exposed (r 529B, r 529C). The business doing it assesses, in writing, whether it is high risk; if so, a silica risk control plan (for high risk construction work, a SWMS that meets the same requirements can serve), training, air monitoring, and health monitoring follow (rr 529CA to 529CE).	LAW rr 529A to 529CE[2]

08 AUTHORISING AND CONTROLLING THE WORK

Control, continued	What it means on a network	Status and source
Aggression and other psychosocial risks	Station cleaners, security patrols, toll and customer staff, and crews stopping traffic can face aggression, harassment, or a traumatic event. These are psychosocial hazards, and each business must eliminate the risks they create or, if that is not reasonably practicable, minimise them, so far as is reasonably practicable, with regard to how the work is designed, managed, organised, and supported and to the interactions it involves (r 55A, r 55C, r 55D), working with the owner on a shared site (page 6). Our recommendation: agree separation from the public, a duress or assistance route, staffing, reporting, and support after an incident, ask the contractor's workers what they face, and do not rely on training alone.	LAW r 55A, r 55C, r 55D[2] GOOD PRACTICE the controls named

What one authorisation records.

One record per job, filled in as the job runs: requested, assessed, authorised, and handed back. Each line names who fills it in, so nothing is assumed by the next person, and from authorisation to handback a named person is responsible for the work.

	Field	Filled in by
☐	The job, the asset and location, the date and hours, and the contractor and each worker	Requester
☐	Licences, tickets, and induction checked for each worker, and on a railway their competence, for this task (pages 27 and 28)	Contract manager
☐	The risk assessment, the SWMS, the traffic management plan, any silica control or plan, and any permit or isolation, by number	Contractor and permit issuer
☐	Services located, and the asbestos register checked for this exact asset and reviewed if the work opens it up, or, with no register, the asset inspected before it is refurbished or demolished	Whoever controls the asset
☐	Each isolation by the authority for that system, proved safe before work; on a railway, the protection method, limits, and briefing confirmed in place, and each rail safety worker fit for this shift	Isolation authority and protection officer
☐	Access authorised by whoever controls the corridor, the road, or the site, and network control told	Named authoriser
☐	Handback: area checked, tests and open defects recorded, services and signals reinstated, temporary controls removed only as authorised, any limit still in force noted, who may refuse to accept it, permit closed	Person in charge; accepted by the network, road, or asset authority

08 AUTHORISING AND CONTROLLING THE WORK

Three rules for every contract.

Put them in the contract and in the induction, so nobody has to argue them on the day.

Anyone can stop the work. Restart takes more.

A site supervisor, a protection officer, or the contractor's own worker who sees work outside what was authorised can stop it. That adds to, and never limits, a worker's right to cease unsafe work (s 84) and a health and safety representative's power to direct it (s 85); where work has stopped that way, the business, the worker, or the representative may ask the regulator for an inspector (s 89). For high risk construction work not done to its SWMS, stopping is the law (r 300). Our rule: restart once the hazard is dealt with, the permit and any SWMS reviewed, and those affected consulted. [1, 2]

When the job changes.

A bigger job than the one authorised is a new job: assess it again and re-authorise it. A pit inspection that becomes a pump replacement, or a patch that becomes a resurfacing beside live traffic, changes the permits, the SWMS, and perhaps who is the principal contractor (page 16).

When the check cannot be done.

No signal, a stale record, or a worker whose status cannot be confirmed: confirm identity and the evidence the work needs another way, such as a call to network control, which holds the record. For high risk work, a call does not replace the licence check: the business must still see written evidence of the licence, provided by the worker, before the work starts (r 85). Record the decision and its limits, and name who may make it. Where required evidence or controls cannot be confirmed, safety-critical work does not start. A screenshot or an old scan does not prove today's status. Put the record right afterwards. Our recommendation. [2]



09 WHEN SOMETHING GOES WRONG

One event, more than one report.

A track worker is struck in a possession, or an excavator hits a water main at a level crossing. The WHS regulator, and on a railway ONRSR, may each need to hear, on different clocks.



A WHS notifiable incident is a death, a serious injury or illness, or a dangerous incident arising from the conduct of the business or undertaking (section 35). The 2025 model changes add a violent incident, such as an assault that exposes a person to a serious risk of psychological harm (section 37A), and notifiable suicides and extended absences (sections 35A and 35B); Safe Work Australia says these changes "only apply if adopted under local WHS laws".[25] **A rail notifiable occurrence** is an accident or incident associated with railway operations that has, or could have, caused significant property damage, serious injury, or death, or that the Regulations prescribe (the Rail Safety National Law's definition).[1, 6]

Who reports, and when.

One row per law: the first report, what follows, and what to keep.

	First	Then	Keep
Model WHS Act The business; sections 38 and 39[1]	**Notify the regulator.** Immediately after becoming aware of it, by the fastest possible means; for an extended absence, where adopted, within 14 days. The person with management or control, so far as is reasonably practicable, preserves the site until an inspector releases it, and the evidence (2025 changes, where adopted; elsewhere, until an inspector arrives or directs otherwise).	**Written notice.** If the regulator asks for one, within 48 hours of that request, not of the incident (s 38(4)).	**A record.** For at least 5 years.
Victoria OHS Act 2004 (Vic) ss 38 and 39[4]	**Notify WorkSafe.** The employer or self-employed person with management and control of the workplace where the incident happened, immediately after becoming aware of it. The site is not disturbed until an inspector arrives or directs otherwise.	**Written record.** Within 48 hours after being required to notify WorkSafe, so without waiting to be asked, in the form WorkSafe approves (s 38(3)).	**A copy.** For at least 5 years.
Rail Safety National Law The operator; s 121 and National Regulations r 57[6, 7]	**Report to ONRSR.** A Category A occurrence: an oral report immediately after becoming aware of it; ONRSR's line is 1800 430 888, at any hour.[35]	**Written report.** ONRSR says Category A within 7 days and Category B within 72 hours, through its Portal.[12, 35] National Regulations r 57 borrows the period in the Transport Safety Investigation Act 2003 (Cth), whose s 19 says 72 hours for both.[7, 31, 32] The two are not reconciled: confirm with ONRSR. Our recommendation, not a reading of the law: set your policy to file within 72 hours for both.	**Further information.** For Category B, what the Regulator asks for, or ONRSR's complete data, within 14 days. Category C occurrences are summarised within 6 months after the reporting period.[35]

09 WHEN SOMETHING GOES WRONG

Put the route on one card for each site.

The card sits at each access point and depot, and every contractor sees it at induction. Fill in the right-hand column for each site, and review it with the corridor access map.

On the card	What it says	This site
Emergency	000, first aid and first aiders, and the evacuation or muster point	
Stop the hazard	Who to call to stop trains or traffic, or isolate power, water, or gas, and how	
Rescue for the task	For a confined space, work at height, a trench, or water, the rescue arrangement the permit names, and who runs it	
For responders	How to find the site (address, access gate, or chainage), the gate to use, who meets them, and the key or code	
Who decides on reporting	Who decides whether to notify; where the 2025 change is adopted, the notifier and whoever controls the site each make sure, so far as is reasonably practicable, that the other is told at once (s 39A)	
Routes and clocks	For each regulator: who notifies, their backup, and each contractor's notifier; the phone line or portal; what starts each written-report clock and its length (page 23); the confirmation reference; who makes any environmental or public health notification. On a railway, the rail transport operator that reports to ONRSR	
Other owners	The road manager, rail operator, and utilities with assets in or near the work	
The record	Incident number, the time each regulator was told and by whom, and its reference or acknowledgement	

Call first, approve later. A notifiable incident is reported to the regulator immediately after the business becomes aware of it, by the fastest possible means (section 38(1) and (2)).[1] No internal approval holds that call up. Our recommendation: test the card once a year, at night, with a contractor.

Agree who reports, before anything happens.

The rail report is the operator's to make (s 121), and the WHS notice is the duty of each business that holds it. One agreed notice is fine, but each business with the duty stays responsible for it.[1, 6] Our recommendation: put each route, clock, and owner in the contract and on the card.

Under the model Act, the site may still be disturbed to assist an injured person, remove a deceased person, take essential action to make it safe or to minimise the risk of a further occurrence, for a police investigation, or with an inspector's or the regulator's permission (section 39(3)).[1] The 2025 changes apply only where adopted,[25] as the ACT did for site preservation from 19 November 2025.[26]

10 A WORKED EXAMPLE

A weekend possession at a level crossing.

In regional NSW, a rail infrastructure manager renews the track through a level crossing on a public road over one weekend, under a contract worth AU$1.4 million. A track contractor, a signalling contractor, a traffic control company, the road manager, and the station's cleaners and security all work there in the same 48 hours. Numbers below are the model's, which the NSW Work Health and Safety Regulation 2025 may number differently; in another state, adapt it to that state's law (page 9).

What is live	Why	What gets checked and kept
Two laws	The WHS law applies to every business on the site, and the Rail Safety National Law to the railway operations, in addition (RSNL s 48).[6] Track renewal is railway operations, so the track contractor holds the operator's section 52 duty for it and must follow the operator's safety management system (RSNL s 52(5), s 119).[6]	The contract naming the safety management system documents the contractor must follow
The principal contractor	Construction work costing AU$250,000 or more, in NSW as in the model laws (AU$350,000 for Victoria's principal contractor rules, AU$450,000 in South Australia): a construction project. The rail infrastructure manager commissions it, so it is the principal contractor unless it engages the track contractor as one and authorises it to manage or control the workplace (r 292, r 293).[2]	The appointment in writing, with the area and the 48 hours it covers; the WHS management plan
The workers in the corridor	The track and signalling crews are rail safety workers. The operator ensures each is fit, competent, and not impaired, under its own programs, and carries identification a rail safety officer can check (RSNL ss 52, 114 to 118).[6] Track renewal in a possession is high risk construction work wherever powered mobile plant moves (r 291(o)), and beside any line or road still open to traffic (r 291(n)): a SWMS for each crew (r 299).[2] Our recommendation: confirm protection is in place, with an adjacent line open, before work on the track starts, and check each worker is fit for a night shift that may overrun (page 19).	Competence and health assessment status for each worker; the protection briefing; the pre-shift fitness check; the SWMS read against the job
The road	The crossing is closed and traffic detoured. The road authority's requirements go into a traffic management plan, authorised before it is put in place, and in NSW each traffic controller holds a SafeWork NSW card.[13, 17] The crossing's interface agreement is checked for what it says about planned works (page 15).[6]	The traffic management plan and its authorisation; each controller's card; the interface agreement's date
The dig	New conduits cross the road. Underground services information obtained before digging and given to the excavating crew, and unsafe distances from the overhead wires managed (page 12). Saw-cutting the road and the crossing slab is processing silica wherever the material holds 1% or more crystalline silica, by the test published in the model WHS Regulations of 2025: dust controls, and a plan or a SWMS that meets it if the processing is high risk (page 20).[2]	The services plans, by date; the excavation permit; the silica controls used

10 A WORKED EXAMPLE

What is live, continued	Why	What gets checked and kept
The station, after hours	The cleaners and security work alone overnight beside the possession. Remote or isolated work needs a system of work with effective communication, they are briefed on the emergency plan, and the risk of aggression from the public is assessed with them (pages 20 and 21). [2]	The check-in plan, with network control watching; who answers a missed check-in

The same weekend, on paper and joined up.

Four moments from the table, on paper and joined up. Joined up, on Monday the executive sees who worked in the corridor, what each held, which checks were done on site, and what is still open.

	The appointment	The gate	The road	The station
On paper	Everyone assumes the track contractor is the principal contractor; nothing says so.	A labour hire worker arrives with a photo of a competence card nobody can check.	The traffic plan is authorised, but one controller's card lapsed last month.	A cleaner works alone until 3 am, and nobody is watching for a check-in.
Joined up	The appointment, the area, and the hours are in the work order before the weekend.	Each worker's competence and fitness status is checked at the access point before they cross.	The lapsed card is flagged when the controller scans in, and a current one is called up.	Check-ins go to network control, and a missed one is followed up within the agreed time.



11 THE RECORD

What to hold for every contractor.

Unless another law is named, numbers are the model WHS Act's and Regulations', and RSNL marks the Rail Safety National Law; your state's may differ, and in Victoria read its own OHS Act and Regulations (page 9).

LAW Act, Regulations, or Rules **POLICY** policy or contract terms

REGULATOR guidance **GOOD PRACTICE** our recommended way; your contract, policy, or the law may still require it

Level	What to hold	Status and source
The company	The evaluation: its safety record and capability, the safety requirements in the tender and contract, and how its performance will be monitored and audited	**LAW** for a rail operator, National Regulations Schedule 1 cl 18, page 15 [7] **GOOD PRACTICE** for everyone else
	Workers compensation: the contractor's own statutory cover as an employer under its state or territory scheme, or its self-insurance or a documented exemption where one applies. In the ACT, for example, an employer that is not a self-insurer must keep a licensed insurer's policy (Workers Compensation Act 1951 (ACT) s 147A)	**LAW** the employer's duty under its scheme, such as ACT s 147A [30] **GOOD PRACTICE** the certificate of currency, and its date
	Public liability and any other cover the contract asks for, with expiry dates	**POLICY** the contract's insurance terms **GOOD PRACTICE** the certificates and expiry dates
	For Commonwealth-funded building work at or above the thresholds: the builder's accreditation	**LAW** Federal Safety Commissioner Act 2022 s 43; Rules r 26; page 17 [22]
The worker	Written evidence of any high risk work licence, sighted before the work, and a record kept for at least 1 year after the high risk work is carried out; its class, scope, conditions, and current status checked; reviewed again on a suspension, an incident, or a change of scope, and a renewal reviewed, not approved on arrival	**LAW** r 85(1) and (4) [2] **GOOD PRACTICE** the status check
	General construction induction training for construction work (and, if it was completed more than 2 years ago, construction work in the past 2 years), and any licence your state requires for the trade itself, such as an electrical licence	**LAW** r 317; [2] your state's licensing law
	For traffic control, the card or accreditation your state requires, such as the SafeWork NSW Traffic Control Work Training card or Queensland's traffic controller accreditation (page 12)	**REGULATOR** SafeWork NSW; Transport and Main Roads [16, 17]

11 THE RECORD, CONTINUED

The rail worker, the site, and the visit.

Level	What to hold	Status and source
The worker, continued	For rail safety work: the competence assessed for the task, with the operator's records of training, qualifications, re-assessment dates, and assessor; health assessment to the 2024 national standard, by an Authorised Health Professional, recorded as the role's risk category, the fitness outcome and any restriction, and when the next assessment is due, with clinical detail kept to those who need it; and identification a rail safety officer can check	LAW RSNL ss 114, 117, 118; National Regulations r 27, r 30; page 14 [6, 7, 37] GOOD PRACTICE what is recorded
The site	A site induction, including emergency procedures and hazards, before they start	LAW training suited to the work and its risks, r 39 [2] GOOD PRACTICE the induction form
	A SWMS for high risk construction work, the traffic management plan, and permits: confined space entry in writing; the rest by permit, each isolation by the authority for that system, with permits linked where more than one owner is involved (page 19)	LAW the SWMS and the confined space permit, pages 11 and 18 REGULATOR the traffic management plan, page 12 GOOD PRACTICE other permits
	Underground services information before any excavation, given to the excavating business; the asbestos register for the asset, reviewed before refurbishment, or with no register the older asset inspected first (page 20); silica controls, and the plan or SWMS where processing is high risk	LAW pages 12 and 20 [2]
	Where road meets rail: on a public road, the interface agreement, or a record of seeking one with the escalation and interim controls in place; on a private road, the agreement or the rail infrastructure manager's written record of why none is needed; each with its review date; and which law and regulator applies to each party (page 9)	LAW RSNL, seek an agreement, page 15 [6] GOOD PRACTICE the escalation, interim controls, and the corridor access map
The visit	Sign in and out, by site, so you know who is in the corridor or on the site, and when	GOOD PRACTICE sign-in by access point
	Consultation with the other duty holders, and with affected workers and their representatives	LAW s 46, s 47, s 48(2) [1]
	On a railway, the protection method, the limits, the briefing, and confirmation that protection was in place before work, and each rail safety worker's pre-shift fitness check	LAW the operator's safety management system, page 19 [6] GOOD PRACTICE the record of each check
	The handback: isolations reinstated, area cleared and inspected, tests and open defects recorded, any limit still in force noted, and accepted by the authority taking the asset back, with who may refuse to accept it	LAW page 19 GOOD PRACTICE the signed record

11 THE RECORD, CONTINUED

How long to keep each record.

The legal minimums differ by record, and an incident extends several. These are floors, not destruction dates: keep each for the longest of the minimum, any records law that binds you as a public body, and any hold for an incident or claim.

Record	Minimum (model WHS laws, unless another law is named)	Kept by
High risk work licence evidence	At least 1 year after the high risk work (r 85(4)) [2]	The business that directed or allowed the work
Confined space risk assessment and permit	Assessment: at least 28 days after the work; permit: until the work is completed; each at least 2 years after a connected notifiable incident (r 77) [2]	The business that prepared or issued it
Safe work method statement	Until the high risk construction work is completed; at least 2 years after a connected notifiable incident (r 303) [2]	The business doing the work
Silica training record	While the worker does high risk silica processing, and 5 years after they stop working for the business (r 529CD) [2]	Each business training them
Underground services information	Available until the excavation work is completed, or at least 2 years after a connected notifiable incident (r 304) [2]	Whoever manages or controls the workplace
Notifiable incident record	At least 5 years from the day the regulator was told (s 38(7)) [1]	Each business with the duty to notify
Air monitoring results	At least 30 years after the record is made (r 50(2)) [2]	The business that monitored
Health monitoring report	At least 30 years after it is made, as a confidential record, for hazardous chemicals, including crystalline silica, and for lead (r 378, r 418); at least 40 years for asbestos (r 444) [2]	The business the worker works for
Rail competence records	The National Regulations require competence records but set no period (r 30): keep each for the period the operator's safety management system sets (Schedule 1, clause 7) [7]	The rail transport operator; name who owns the schedule

Linked, not one open file.

Licences, health assessments, competence records, and incident records hold personal information about other businesses' workers. Our recommendation: link the records rather than pool them. The access point sees a status, not the document; health and fitness details stay behind tighter access; each team sees what its role needs, access is logged, exports are limited, and the contract says how the records come back if the provider changes.

11 CHECKLIST

Before a contractor starts.

Unless another law is named, numbers are the model WHS Act's and Regulations'; your state's may differ, and in Victoria read its own OHS Act and Regulations (page 9).

	Check	Owner	Date and evidence ref.
	Know who holds the duty, under which law		
☐	We know which WHS law and regulator apply to us and to each contractor, settled for each party rather than read from the owner or the site, and whether the Rail Safety National Law and ONRSR apply. **Law, page 9** **Good practice** the corridor access map, page 33		
☐	For each construction project, its total cost is known, its work packages are listed, and who the principal contractor is, in writing. **Law, r 293 (who it is)** **Good practice (in writing)** page 16		
☐	Each level crossing or road and rail bridge on a public road has an interface agreement with the road manager, or a record of the steps taken to seek one, escalated, with interim controls meanwhile; on a private road, an agreement or the rail infrastructure manager's written record of why one is not needed; each with a review date. **Law, RSNL ss 107, 108** page 15 **Good practice** the escalation and interim controls		
	At tender, quote, or panel		
☐	The request and the contract name the safety requirements, the licences, tickets, and competences the work needs, and how the contractor's performance will be monitored and audited. **Law for a rail operator, National Regulations Sch 1 cl 18** **Good practice** for everyone else		
☐	The contractor's statutory workers compensation cover, or its self-insurance or exemption, is on file, and so is the public liability and other cover the contract asks for, with dates. **Law, the employer's scheme, page 27** **Policy** the contract's insurance terms		
☐	For Commonwealth-funded building work at or above the thresholds, the builder is accredited. **Law, FSC Act s 43** page 17		
☐	The principal contractor has been given the hazard information we hold: asbestos, services, structural condition, and traffic and train patterns. **Law, r 296** what was given, and when		
☐	On the national interoperability network, a contractor's change to signalling, train control technology, or operating rules goes through the operator's change process. **Good practice, page 15** the change record		

11 CHECKLIST, CONTINUED

Before the shift, on the day, and after.

	Check	Owner	Date and evidence ref.
	Before the first shift		
☐	Each worker's licences and tickets are on file, with class, scope, conditions, and current status; on a railway, competence and health assessment status for the task. **Law, pages 14, 27, and 28 (high risk work licences, rail competence)** **Good practice** the status check, the other tickets, and the reviews		
☐	Each worker has completed this site's induction, including emergency procedures and hazards. **Law, page 28 (training suited to the work)** induction completion, per person		
☐	A SWMS for each kind of high risk construction work, and a traffic management plan authorised by the road authority before it is put in place. **Law, page 11 (SWMS)** **Regulator, page 12 (the plan)** versions and dates		
☐	Underground services located and the information given to the excavating crew; the asbestos register seen for this asset and reviewed if the work opens it up, or, with no register, the asset inspected before an older asset is refurbished or demolished. **Law, pages 12 and 20** plans and register, by date		
	On the day, at any access point		
☐	Every worker signed in and out at the access point, and any high risk work licence was sighted before the work, not after. **Law, page 27 (licences)** **Good practice** sign-in by access point		
☐	Permits issued: confined space entry in writing, after the assessment, isolation, standby, and rescue plan; corridor access, hot work, and isolations by permit, each isolation by the authority for that system and proved safe before work. **Law, pages 18 and 19** **Good practice, other permits** permit numbers		
☐	On a railway, we confirm protection is in place and briefed before work on the track starts, and check each worker is fit for this shift. **Law, the operator's system, page 19** **Good practice** the briefing and the fitness check		
☐	Where a check could not be done, the fallback route was used, the decision recorded, and the record put right afterwards. **Good practice, page 22** who decided, and why		
☐	A worker alone at a remote site, or at night, has a way to call for help that works there, someone watches the check-ins, and a missed one is escalated. **Law, page 20** **Good practice** the check-in plan		
☐	Silica dust controls are in place for cutting or drilling concrete, and psychosocial risks for public-facing work are assessed and controlled. **Law, pages 20 and 21** the controls used, and the silica plan or SWMS		

11 CHECKLIST, CONTINUED

Water, handback, incidents, and the standing checks.

The last checks cover water assets and close the job: the asset goes back safely, stopped work restarts properly, and everyone knows the route if something goes wrong. The standing checks then show the officers that all of it happens.

	Check	Owner	Date and evidence ref.
	On a water or sewer asset		
☐	Stored pressure and inflow isolated and proved safe, gases and chemicals assessed, sewage exposure controlled, rescue planned where there is water, and the asset returned to service only on the water utility's authority. **Law, page 20 (the duty, and a SWMS near water)** **Good practice** the prompts, and who notifies		
	Handback, and if something goes wrong		
☐	Services and signals reinstated, the area cleared and inspected, temporary controls removed only as authorised, any limit still in force recorded, and the handback accepted by the authority taking the asset back, which may refuse it, before traffic, trains, or the public return. **Law, page 19** **Good practice** the handback, signed		
☐	Work that was stopped, by anyone, restarted only after the hazard was dealt with, the permit and any SWMS reviewed, and those affected consulted. **Good practice, page 22 (our rule)** who agreed the restart, and when		
☐	The site's incident card is current: emergency help, who stops trains or traffic, access for responders, who reports to the WHS regulator and ONRSR, and, where the 2025 change is adopted, how the notifier and the site's controller tell each other; the contractor has seen it. **Law, pages 20, 23, and 24** **Good practice** the card, page 24, reviewed		
	Across the network, standing		
☐	Officers receive a regular report that verifies the checks happen, not only that the policy exists: overdue actions, and a sample of permits and SWMS checked against the work done. **Good practice; taking reasonable steps to verify is part of an officer's due diligence, s 27(5)(f)** the report, dated		
☐	Every action raised by these checks has an owner and a due date, and is closed only when someone has seen that it was done. **Good practice** the action, its owner, and the evidence it closed		

11 TEMPLATE

The corridor access map.

One row per corridor, asset, or site; the first row is an example. It settles, before the job starts, which law applies to whom, who may work where, what they must hold to work there, and who has to know.

Corridor or asset	Which law, which regulator	Who controls it	Who authorises access and work	Interfaces	Services and hazards	After hours, and who reports
Example: 2 km of track and a level crossing, regional NSW	*Owner: NSW WHS law, SafeWork NSW. Each contractor: confirmed NSW WHS law, SafeWork NSW (checked 01/11/2026). Railway operations: RSNL, ONRSR*	*The rail infrastructure manager; the principal contractor for the weekend renewal, in writing*	*Network control for possessions; the owner's corridor manager for access; isolations by the authority for each system; the protection officer for the possession*	*Road manager at the crossing: agreement dated 3 March 2026, review due March 2027*	*Overhead wires; a water main under the road; signal huts built 1978, on the register, reviewed before they are refitted*	*Patrols alone at night, check-ins to network control. The rail infrastructure manager, as rail transport operator, reports to ONRSR; it and each contractor agree who notifies SafeWork NSW. Reviewed 01/11/2026*

How to keep the map true.

A map nobody keeps current is worse than none, because the gate trusts it. Three habits keep it right.

Fill it in together.

Asset management, network control, safety, and procurement should agree each row, with the road manager or operator where you share an interface. Where they disagree, there is a gap in who does what, and the duty does not wait for it to close.

Review it on any change.

A new maintenance contract, a capital project, a changed interface, or a new possession pattern changes the row. Give each row a review date, and keep the site's incident card (page 24) with it.

Keep it with the record.

The map is only useful if the access point, network control, and the on-call manager can see it when a contractor arrives.

12 ONE STANDARD ACROSS THE NETWORK

The same standard at every access point.

Every check in this guide has to work at every gate, staffed or not.



Questions to ask about how you manage it today.

1. If a regulator asked who was in last Saturday's possession, and what each held, how long would the answer take?
2. At a pump station with nobody there, who knows a contractor is in, and who answers when check-ins stop?
3. When a ticket, competence, or insurance certificate lapses or is suspended, who finds out before the next shift?
4. For each construction project (construction work of AU$250,000 or more in total; AU$350,000 in Victoria, AU$450,000 in South Australia), are its work packages listed and the principal contractor named in writing?
5. Does each crossing and bridge on a public road have an interface agreement, or an escalated record of seeking one, and on a private road a written view?
6. When a contractor's traffic management plan is approved, who checks on the day that the road matches it?
7. Have you agreed with each contractor who reports to the WHS regulator, and does each site's card name the rail transport operator that reports to ONRSR?
8. How many hours a month go on chasing certificates?

What to look for in a system.

Seven capabilities that keep these checks working at every access point.

- **One record across every contract.** One workforce record across every partner and contract, not one per partner.
- **Requirements matched to the work.** Licences, medicals, inductions, and permits set by role, task, and state.
- **Expiry tracked for you.** Reminders before anything runs out, so the site team is not chasing.
- **An access point that checks.** A QR code or a tablet at the access point, the record checked before anyone crosses the fence, and a live list of who is inside.
- **Traffic control at the same gate.** The provider's accreditation and each controller's ticket on the same record, a lapsed one flagged at the next scan.
- **Permits on the same record.** Confined space, traffic control, and corridor access permits raised on a phone, with the SWMS read against your standard before approval.
- **A record for the audit.** Every induction, permit, and sign-in found by project, with scheduled reports.

START SMALL

Start with one corridor.

Take one corridor or maintenance contract, fill in its row of the access map on page 33, and run the checklist on pages 30 to 32 against its contractors. Close the gaps first: worker ready, work authorised, controls in place. Then ask anyone offering a system to show each point above on your own network.

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