

Metro Academy Bulletin

Number: MA-BUL-2023-03

Issued: 9 May 2023

Purpose

The objective of this bulletin is advise MTM and Third-Party Rail Safety Workers (RSWs) that anyone found using fraudulent qualifications will face fines of up to \$10,000 under changes being made to Australia's Rail Safety National Law.

Background

The changes are particularly relevant for labour hire companies, with workers contracted under such arrangements subject to safety duties under Rail Safety National Law. This effort to tighten the national legislation and stamp out fraud is to ensure that we all have confidence that people operating as RSW's are competent to perform their roles and to help prevent activities that can have a catastrophic impact on rail safety.

It is expected the amendments to the law will provide further confidence in the training and qualifications of all rail safety workers and help further improve national rail safety. The amendments come into effect on **1 May 2023**.

Full details of the *Rail Safety National Law (South Australia (Miscellaneous) Amendment Bill 2022* can be found [HERE](#).

The recently proclaimed Rail Safety National Law (South Australia) (Miscellaneous) Amendment Act 2023 sets out the penalties and is very clear:

A person who provides a document or information in relation to the assessment by a rail transport operator of the competency of that person to carry out rail safety work that the person knows;

- is false or misleading in a material particular; or
- omits any matter or thing without which the document or information is misleading, is guilty of an offence.

Maximum penalty: \$10 000.

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MTM Safety & Environmental Requirements

Fraud detection measures have been increased and are becoming far more sophisticated and fraudulent actions will be reported to law enforcement.

MTM have a very strict [Anti Fraud Policy](#) and takes misappropriation, falsifying or forging records very seriously and may direct the order or timing of works, and may order the removal from site of personnel who;

- are not suitably qualified
- are in breach of a safety rule
- do not hold the necessary certification or licence

Please also ensure that you have appropriate governance and oversight measures in place to prevent fraudulent behavior, including the provision of separate logins for all Rail industry Worker (RIW) administrators.

Please ensure your administrators and employees are aware of the penalties and risks of providing fraudulent documents or information.

Questions

Questions relating to this bulletin can be directed to competencies@metrotrains.com.au