

Rail Safety National Law - Consultation Regulatory Impact Statement

Submission: Training, Competence and National Portability

1. Introduction and Position Statement

We welcome the opportunity to provide feedback on the proposed legislative reforms arising from the Rail Safety National Law (RSNL) Review and the associated National Rail Action Plan (NRAP).

As a nationally registered training organisation (RTO) delivering rail-related qualifications and units of competency, we operate within the Australian Qualifications Framework (AQF) and the nationally endorsed VET Training Package system. We work closely with rail operators, infrastructure managers, other Registered Training Organisations (RTOs) and Industry Skills Australia (ISA) to support safe, competent and portable workforce development.

This submission primarily addresses:

- Recommendation 20: Establish a national set of skills competencies
- Recommendation 3: Enable the mandating of requirements to help achieve interoperability outcomes
- Recommendation 6: Establish a positive obligation in the RSNL allowing workers to access the details of safety management systems

We support the overarching objectives of the proposed reforms, including:

- Improved rail safety outcomes
- Greater interoperability across networks
- Enhanced workforce mobility and mutual recognition of competence
- Increased transparency and national consistency

From a training and competence perspective, it is important to recognise that the RSNL framework already relies on AQF aligned nationally recognised training as a mechanism for determining and assuring worker competence. The VET system is not secondary to interoperability; it is legislatively mandated.

Where challenges currently arise in workforce mobility, we have observed that these are more commonly associated with differences in:

- Network specific safety management systems (SMS)
- Localised safeworking rules and operational controls
- Operator specific risk controls applied under their jurisdictional Workplace Health and Safety obligations
or
- Inconsistent interpretation of equivalence and evidence requirements

As a result of this, reforms relating to national competencies, mutual recognition and workforce portability should continue to be grounded in the AQF. Where genuine competency gaps are identified, the appropriate mechanism

is the development of new units of competency and/or qualifications within the AQF structure through Industry Skills Australia and the national training product development process.

2. National Competencies, Portability and the Existing VET Framework

2.1 Portability and the VET Framework (Recommendation 20 and Recommendation 3)

The VET Framework already provides:

- Standardised units of competency
- Nationally recognised qualifications
- Defined assessment requirements and conditions
- National reporting and verification processes
- National regulatory oversight through the Standards for RTOs

This framework is inherently designed to support portability and mutual recognition across jurisdictions and operators.

In practice, limitations to portability more often arise from how nationally recognised training is applied within differing SMS environments rather than from deficiencies in the AQF or Training Package system itself.

In our view, reforms should focus less on restructuring the existing training framework and more on strengthening clarity, interpretation and application of competence expectations across networks.

2.2 National Set of Competencies (Recommendation 20)

We support the objective of a nationally recognised set of competencies that are portable across networks.

We also support strengthening the consistent use of nationally recognised training and AQF aligned qualifications where they exist.

The success of Recommendation 20 will depend on maintaining strong alignment between:

- RSNL competence expectations
and
- The nationally endorsed Training Package framework

Where emerging gaps are identified, particularly in relation to new technologies or harmonised safeworking rules, new units of competency should be developed within the AQF structure via Industry Skills Australia.

This ensures:

- National consistency
- Formal endorsement processes
- Industry consultation
- Appropriate assessment design
- Regulatory clarity

We are currently working with Industry Skills Australia on several Training Package improvement concepts that directly support the intent of the proposed reforms, including:

- Clarifying unit overlap and misapplication

- Strengthening alignment between RSNL “competent worker” expectations and AQF implementation
- Increasing consistency in interpretation of assessment conditions and simulation requirements and
- Strengthening RPL integrity in safety-critical contexts

These initiatives are designed to address the practical causes of non-portability that we see across networks, particularly inconsistent interpretation of assessment conditions and overlapping unit application.

3. National Competency Register and Verification Mechanisms (Recommendation 20)

We acknowledge the potential value of a national competency management register to support verification and transparency.

However, careful design will be critical.

Any proposed system should:

- Integrate with existing national verification mechanisms (e.g. USI framework, Rail Industry Worker system)
- Avoid duplication of existing AVETMISS data collection
- Be limited to verification of competency status rather than duplication of full training records
- Clearly define governance, privacy and access controls
- Clearly delineate ONRSR’s role from that of the VET regulator

The purpose of a register such as this should be to support portability and verification, not to replicate existing training regulation mechanisms.

4. Competence and SMS Obligations (Recommendation 6 and Recommendation 3)

We support the principle that rail safety workers must be competent in the SMS applicable to their role.

However, it is important to maintain clarity between:

- Competence achieved through AQF-aligned training and assessment (Nationally accredited Units of Competency)
and
- Operational competence assurance, contextualisation and supervision within a rail transport operator’s SMS (Non-accredited outcomes)

Nationally recognised training and AQF units of competency evidence that an individual has met nationally endorsed competency standards at the time of assessment. These outcomes provide a consistent and portable benchmark of competence across jurisdictions.

However, AQF qualifications and units are not always mechanisms for ongoing authorisation or currency control. Ongoing competence to perform rail safety work, including network-specific application, verification of competence in local safeworking systems, and periodic recertification, remains the responsibility of the rail transport operator under its SMS.

Strengthened obligations under Recommendation 6 should enhance safety outcomes while maintaining these clear responsibility boundaries.

Without clear implementation guidance, there is a real risk of regulatory ambiguity between nationally recognised competence and operator-specific currency. This may unintentionally undermine portability, create duplication of assessment activity, or blur the distinction between the VET regulatory framework and SMS-based competence management.

5. Implementation Considerations (Recommendation 3 and Recommendation 20)

To ensure reforms achieve their intended safety and interoperability outcomes, we recommend:

- Clear delineation between ONRSR’s regulatory functions and the VET regulator’s functions
- Strong alignment with existing AQF and Training Package structures
- Development of practical implementation guidance for operators and RTOs
- Structured engagement with Industry Skills Australia during drafting of any competency-related reforms
- Phased implementation to manage sector transition

Training and competence are foundational enablers of interoperability. However, sustainable portability is achieved through consistent interpretation, robust national training products and clear mutual recognition mechanisms, all of which must operate within the established AQF framework.