

## **INQUIRY INTO CORONIAL JURISDICTION IN NEW SOUTH WALES**

**Organisation:** Australian Rail, Tram and Bus Industry Union (NSW Branch)  
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Submission:

To the Select Committee on the coronial  
jurisdiction in New South Wales

Australian Rail, Tram and Bus Industry Union (NSW Branch)



## **Acknowledgment of Country**

The Australian Rail, Tram and Bus Industry Union (NSW Branch) acknowledges that we work on Aboriginal land, traditionally the home of the Gadigal people of the Eora nation.

## **Attribution**

We acknowledge and thank the RTBU membership who willingly participated in developing this submission and generously shared their knowledge. The generosity and assistance given by sharing experiences and knowledge were instrumental in developing the recommendations in this submission.

## **Publication**

We consent to this submission being published by the Select Committee on the coronial jurisdiction in New South Wales.

## **About Us**

The Australian Rail, Tram and Bus Industry Union (NSW Branch) represents the industrial interests and welfare of public transport and rail freight transport workers in the government and private sector.

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## **Introduction**

The law, practice, and operation of the Coroner's Court have a significant impact on employees within public transportation and freight operators in a myriad of ways which include those involved directly or indirectly in a fatality such as train drivers, train guards, signallers, and station staff. This includes first responders employed within the transport cluster such as Rail, Fire, and Emergency Officers, Incident Response Officers through to safety investigators that provide reports for the coronial proceedings.

Coronial Inquests generally take significant time and are incredibly arduous for those involved in fatalities which has the potential to increase stress and add to existing trauma.

The Australian Rail, Tram, and Bus Industry Union (NSW Branch) (**RTBU**) puts forward several recommendations for the Select Committee to consider, which include the suppression of the name of the impacted transport employee, training for investigators acting on behalf of the Coroner's Office to ensure understanding of relevant rail regulations and rules, a framework to be introduced that streamlines the number of interviews the impacted transport worker is required to attend, and streamlining the drug and alcohol testing to one test.

## **The law, practice, and operations of the Coroner's Court of New South Wales**

The Coroner is empowered under the *Coroners Act 2009* (NSW) to investigate certain kinds of deaths or suspected deaths to determine identities and other relevant details, investigate fires and explosions that destroy or damage property within the State, make recommendations arising from an inquest or inquiry inclusive of those involving public health and safety, require certain kinds of deaths or suspected deaths to be reported, prevent death certificates from being issued, and prohibit disposal of human remains without appropriate authority.

In relation to this submission, the focus will be predominately on the Coroner's role with regards to fatalities related to public transportation and freight and the impact on our membership.

## **Recommendations**

### **1. Suppression of Names**

The RTBU recommends that the Act should require the names of transport workers involved in inquests under s59 be suppressed. Inquests attract media attention, including alleged facts and interpretations reported before the coronial findings are determined.

Transport workers can suffer severe emotional distress that impacts reputations and potentially destroys careers while further impacting their health regardless of the status of the findings.

## **2. Streamlining of Information and Testimony**

The Act should require the streamlining of information gathering processes that Transport Workers are subjected to in an investigation. For example, currently an impacted worker involved in a rail incident must provide statements to three or four different parties, including internal investigators, Rail Regulators, NSW Police, and SafeWork Australia.

The RTBU recommends that the process be streamlined by only requiring one statement to be provided to the Rail Regulator and protected under section 159 of the Rail Safety Act 2008 No 97, 2008, with this statement then being supplied to all other bodies.

## **3. Coroner Investigators Training**

Investigators acting on behalf of the coroner should be trained and briefed on the appropriate rail regulations and network rules at the commencement of an investigation into a rail incident. Rail Safety regulations and network rules are very complex, and it would be beneficial to all parties to understand them.

## **4. Drug and Alcohol testing**

The RTBU recommends that drug and alcohol testing be streamlined to one testing process. When there is a rail incident, the impacted employee can be tested up to three times which can incredibly stressful post incident.

We recommend that one drug and alcohol test be performed by the first responder, whether that be an Incident Rail Commander, NSW Police, a representative from the rail regulators, or the drug and alcohol testers contracted by the rail operator. If subsequent testing is required to confirm the result, this should be conducted by the same entity that performed the first test.

**AUSTRALIAN RAIL TRAM AND BUS INDUSTRY UNION, NSW BRANCH**

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