

Transport (Rail Safety) Act 2010

Notice of Alternative Work Hours and Rest Periods

The rail transport operator named below has been approved alternative work hours and rest periods by the Chief Executive under section 85 of the *Transport (Rail Safety) Act 2010* and section 19G of the *Transport (Rail Safety) Regulation 2010* as described and subject to the conditions set out in this notice.

Item	Particulars
Name of rail transport operator	BM Alliance Coal Operations Pty Ltd MS283, Hay Point Rd Mackay Queensland 4740
ABN/ACN	ACN 096 412 752
Registered business name	BMA Rail
Commencement date	1 June 2017
Reissue date	Not applicable
Duration	This approval remains in force until it is varied, suspended or revoked under the <i>Transport (Rail Safety) Regulation 2010</i> .
Description of railway operations approved under this notice	As set out in Schedule 1
Alternative work hours and rest periods approved under this notice	As set out in Schedule 2
Variations incorporated in this notice	As set out in Schedule 3
Attachments to this notice	A – Approval conditions

Released Under FOI

Schedule 1 Description of railway operations approved under this notice
<p>All railway operations carried out on the Central Queensland Coal Network, namely the bulk transport by rail of coal for export from the port of Hay Point.</p>
Schedule 2 Alternative work hours and rest periods approved under this notice
<p>1. A train driver's rest period at a home depot must be at least 12 hours to align with legislative requirements, however in circumstances where this is not possible, a minimum 8 hours rest is approved. In these circumstances a risk assessment must be undertaken for each occasion, including the use of FAID (or similar assessment).</p> <p>2. In the event an Operational Departure from Schedule occurs, a train driver must not work more than 14 hours. An Operational Departure from Schedule is defined to mean a departure from the forecast train plan issued by the Rail Infrastructure Manager prior to the day of execution, arising from matters outside BM Alliance Coal Operations Pty Ltd's direct control.</p> <p>3. Train drivers are permitted to use a road vehicle before signing off to end a shift to travel to a home depot or away depot, providing a FAID analysis is conducted on the train driver and an electronic driver fatigue monitoring system is installed and operational in the road vehicle. A FAID analysis must be based upon the estimated time the train driver will complete the road journey. A train driver is prohibited from driving a road vehicle if the resulting score from the FAID analysis is greater than 90.</p>
Schedule 3 Variations incorporated in this notice
<p>Nil.</p>

Not Relevant

Amit Trivedi
A/Executive Director (Rail Regulation)

Delegate of the Chief Executive
Department of Transport and Main Roads

Date: 22/05/2017



Attachment A

Conditions of approval

BM Alliance Coal Operations Pty Ltd

In accordance with sections 19K and 19N of the *Transport (Rail Safety) Regulation 2010*, the following conditions are imposed on the approval of alternative work hours and rest periods granted to BM Alliance Coal Operations Pty Ltd commencing 1 June 2017.

Standard conditions

1. BM Alliance Coal Operations Pty Ltd must review its approved alternative work hours and rest periods management plan for the alternate work hours and rest periods the subject of the approval, after each fatigue-related occurrence happens on or in relation to BM Alliance Coal Operations Pty Ltd's railway operations the subject of the approval.
2. BM Alliance Coal Operations Pty Ltd must review its approved alternative work hours and rest periods management plan for the alternative work hours and rest periods the subject of the approval, after each change in the nature of the work of the rail transport operator's train drivers that may cause the drivers to drive trains for the rail transport operator's railway operations the subject of the approval whilst fatigued.
3. BM Alliance Coal Operations Pty Ltd must review its approved alternative work hours and rest periods management plan for the alternative work hours and rest periods the subject of the approval, at least once every year.
4. BM Alliance Coal Operations Pty Ltd must notify the Department of Transport and Main Roads of the outcome of a review of its alternative work hours and rest periods management plan within 28 days after the review is completed.
5. If BM Alliance Coal Operations Pty Ltd intends to vary the alternative work hours and rest periods management plan for the alternative work hours and rest periods the subject of the approval, BM Alliance Coal Operations Pty Ltd must give the Department of Transport and Main Roads a copy of the management plan as varied, at least two months before the variation is to take effect.

Not Relevant

Amit Trivedi
A/Executive Director (Rail Regulation)

Delegate of the Chief Executive
Department of Transport and Main Roads

Date: 22 / 05 / 2017

**Transport Planning and Coordination Act 1994
Transport (Rail Safety) Act 2010
Queensland Civil and Administrative Tribunal Act 2009**

**Transport (Rail Safety) Act 2010
Part 11 sections 259 & 260**

**Information Notice
(Appeal Provisions)**

With respect to the attached decision, which includes reasons for the decision, you are advised that you may use the provisions of section 259 of the *Transport (Rail Safety) Act 2010* (below) to ask the chief executive to review the decision.

Section 259 – Internal review of decisions

- (1) A person whose interests are affected by a decision (the **original decision**) described in Schedule 2 (of the *Transport (Rail Safety) Act 2010*) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision (of the *Transport (Rail Safety) Act 2010*) under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, Part 5, Division 2–
 - (a) applies to the review; and
 - (b) provides–
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to the Queensland Civil and Administrative Tribunal (QCAT) – established under the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act) – to have the original decision stayed.

Section 260 – External review of decision

- (1) This section applies if the chief executive's decision (the **internal review decision**) on a review under section 259 is not the decision sought by the applicant for the review.
- (2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the internal review decision.

Queensland Civil and Administrative Tribunal Act 2009

The QCAT Act, section 22(3) provides that QCAT may stay the operation of the internal review decision, either on application by a person or on its own initiative.

If you wish to have the attached decision reviewed under the provisions of section 259, please forward this request to:

Executive Director (Rail Regulation)
GPO Box 2595
Brisbane Qld 4001

Acknowledgement of Receipt of Notice

I acknowledge receipt of the Notice of Alternative Work Hours and Rest Period issued by Rail Regulation, Department of Transport and Main Roads, Queensland.

Signed, for and on behalf of BM Alliance Coal Operations Pty Ltd by its authorised officer:

Full Name

Signed

Position

Date: 23/05/2017

Please acknowledge by returning a signed copy to Rail Regulation by email to rsr@tmr.qld.gov.au