Australian Capital Territory

Rail Safety National Law (Drug and Alcohol Analysts) Appointment 2019 (No 1)

Disallowable instrument DI2019–57

made under the

Rail Safety National Law (ACT) Act 2014, section 11 (Appointment of analysts)

EXPLANATORY STATEMENT

This disallowable instrument appoints four analysts currently engaged by the Office of the National Rail Safety Regulator (ONRSR) to conduct alcohol and drug testing of interstate rail safety workers on its behalf, to perform such testing of ACT rail safety workers. The individuals nominated by the ONRSR are not public servants as defined under the *Legislation Act 2001*.

This appointment is made under section 11 of the *Rail Safety National Law (ACT) Act 2014*.

The *Rail Safety National Law (ACT) Act 2014* (the Act) commenced in November 2014. The Act adopts the Rail Safety National Law (RSNL) as a Territory law. The RSNL creates the ONRSR which now regulates rail operations in the ACT.

The head of power enabling the ONRSR to test rail safety workers for the presence of a drug or alcohol is set out in the RSNL. People who conduct drug and alcohol analyses are required to be appointed as analysts under the Act.

This appointment was submitted for consultation with the Standing Committee on Environment and Transport and City Services under part 19.3.3 of the *Legislation Act 2001*. The Standing Committee considered the proposed appointment and made no comment.

The Minister for Transport is satisfied that the four analysts nominated by the ONRSR, David Batty, Stewart Willers, Victoria McCombe and Amanda Mudege have the experience, skills and qualifications to enable them to undertake the drug and alcohol testing required under the Act.

The term of each individual appointment commences on the day after notification of this instrument and expires on the earlier of:

- five years after the date of notification; or
- the date that the individual is no longer a person authorised by the National Rail Safety Regulator to undertake drug or alcohol analysis for the purposes of the RSNL.