

Australian Capital Territory

Rail Safety National Law (ACT) Amendment Regulation 2023 (No 1)

Subordinate law SL2023-3

made under the

Rail Safety National Law (ACT) Act 2014, section 10 (def *oral fluid analysis instrument*, par (b))

EXPLANATORY STATEMENT

Introduction

This explanatory statement relates to the *Rail Safety National Law (ACT) Amendment Regulation 2023 (No 1)* (the regulation) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the regulation. It does not form part of the legislation and has not been endorsed by the Assembly.

This explanatory statement must be read in conjunction with the regulation. It is not, and is not meant to be, a comprehensive description of the regulation. What is said about a provision is not taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Overview

This regulation amends the *Rail Safety National Law (ACT) Regulation 2014*. Section 55 of the *Rail Safety National Law (ACT) Act 2014* gives the Executive the power to make regulations for the *Rail Safety National Law (ACT) Act 2014*.

The *Rail Safety National Law (ACT) Act 2014* section 10(b) requires oral fluid analysis instruments to be prescribed in the *Rail Safety National Law (ACT) Regulation 2014* for the purpose of drug analysis in oral fluid samples.

This regulation contains an amendment to section 5 of the *Rail Safety National Law (ACT) Regulation 2014* to replace the currently prescribed instruments with the ‘Shimadzu High Performance Liquid Chromatograph Mass Spectrometer LCMS-8060’. Replacing the prescribed instruments with the ‘Shimadzu High Performance Liquid Chromatograph Mass Spectrometer LCMS-8060’ will ensure the instrument currently in use is prescribed in accordance with section 10 of the *Rail Safety National Law (ACT) Act 2014*.

The function and capability of LCMS-8060 is similar to previous instruments used for the purpose of drug analysis in oral fluid samples and is compliant with the requirements of the updated oral fluid standard AS/NZS4760:2019. This instrument replaces all currently prescribed instruments under Section 5 of the *Rail Safety National Law (ACT) Regulation 2014*.

Approving the instrument will enable the Approved Laboratory to use the ‘Shimadzu High Performance Liquid Chromatograph Mass Spectrometer LCMS-8060’ for the purpose of drug analysis in oral fluid samples.

Human rights implications

There are no human rights implications associated with this regulation.

Climate change implications

There are no climate change implications associated with this regulation.

CLAUSE NOTES

Clause 1 **Name of regulation**

This clause specifies the name of the regulation. This clause provides that the regulation may be cited as the *Rail Safety National Law (ACT) Amendment Regulation 2023 (No 1)*.

Clause 2 **Commencement**

This clause provides for the commencement of the regulation. This regulation will commence the day after this regulation is notified.

Clause 3 **Legislation amended**

This clause names the regulation that is being amended by this Regulation. This regulation amends the *Rail Safety National Law (ACT) Regulation 2014*.

Clause 4 **Oral fluid analysis instrument—Act, s 10, def *oral fluid analysis instrument*, par (b)**

This clause supports the replacement of currently prescribed instruments. The clause contains an amendment to section 5 of the *Rail Safety National Law (ACT) Regulation 2014* to substitute the currently prescribed instruments with the instrument known as the Shimadzu High Performance Liquid Chromatograph Mass Spectrometer LCMS-8060.