

Australian Capital Territory

# Rail Safety National Law (Drug and Alcohol Analysts) Appointment 2024 (No 1)

Disallowable instrument DI2024–218

made under the

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

## EXPLANATORY STATEMENT

---

This disallowable instrument appoints David Chisolm Batty as an analyst 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. The appointee is not a public servant as defined under the *Legislation Act 2001*.

This instrument also revokes the *Rail Safety National Law (Drug and Alcohol Analysts) Appointment 2019 (No 2)* (DI2019-198). The person appointed in that instrument is no longer employed as an analyst by the approved laboratory, Racing Analytical Services Limited.

The *Rail Safety National Law (South Australia) Act 2012* establishes the ONRSR and authorises it to test rail safety workers for the presence of a drug or alcohol. People who conduct drug and alcohol analysis are required to be appointed as analysts by the Minister under the *Rail Safety National Law (ACT) Act 2014* (the Act).

The role of an analyst is to act on behalf of ONRSR to provide drug and alcohol testing services in accordance with ONRSR's testing program. The program, in accordance with the Act, aims to:

- improve safety by being a deterrent.
- monitor compliance with the law.
- monitor the effectiveness of the Rail Transport Operator's (RTO) Drug and Alcohol Management Program.

Racing Analytical Services Limited (RASL), an accredited independent drug testing laboratory, is the approved laboratory engaged by ONRSR to employ analysts to undertake this function. RASL carries out the analysis of human workplace drug testing services, contract analysis and drug research to a wide range of private organisations, educational institutions, and government bodies. It was approved as a laboratory under section 12 of the Act by the *Rail Safety National Law (ACT) Laboratory for Alcohol and Drug Testing Provisions Approval 2014 (No 1)* (NI2014-582).

This appointment was submitted for consultation with the Standing Committee on Planning 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 analyst nominated by the ONRSR, David Chisolm Batty has the experience, skills and qualifications as summarised below to undertake the drug and alcohol testing required under the Act.

The appointment is for a period of 5 years, unless earlier revoked.

Appointee experience, skills, and qualifications

- The appointee was first appointed to this role on 5 June 2015 and has served nine years and two consecutive appointments.
- They have held the position of Laboratory Director of Racing Analytical Services Limited since July 2012.