

Rail Safety National Law (ACT) (Exemption) Notice 2020 (No 1)

Notifiable instrument NI2020–222

made under the

Rail Safety National Law (ACT), section 203 (Ministerial exemptions)

Rail Safety National Law (ACT) Act 2017, section 9 (Meaning of generic terms for Rail Safety National Law (ACT))

1 Name of instrument

This instrument is the *Rail Safety National Law (ACT) (Exemption) 2020 (No 1)*.

2 Commencement

This instrument commences on the day after it is notified.

3 Exemption

I exempt the rail transport operators prescribed below from the requirement to comply with section 114 of the Rail Safety National Law (as it applies in this jurisdiction).

This exemption is subject to the following conditions:

- (1) The rail transport operator must comply with the provisions of section 114 so far as is reasonably practicable to do so.
- (2) This exemption only applies to periodic health assessments only. It does not include triggered health assessments, pre-placement or change of risk category health assessments.
- (3) Where there are issues accessing authorised health professions as a result of impacts from the global pandemic COVID-19 (as declared by the World Health Organisation in March 2020), the rail transport operator must undertake a risk assessment for the affected rail safety workers and determine, based on their most recent health assessment, whether it is low risk to postpone the periodic health assessment and allow them to continue undertaking rail safety work until such time as the assessment can be scheduled;
- (4) Rail transport operators must document any change management and consultation processes in relation to operating under this exemption.

- (5) Rail transport operators cannot transfer or assign the exemption conferred by this Notice.

The following rail transport operators are exempt pursuant to this Notifiable Instrument:

- (1) Canberra Metro Operations Pty Ltd
- (2) CF Asia Pacific Group Pty Ltd
- (3) Downer EDI Works Pty Ltd
- (4) Holdco Holdings Pty Ltd
- (5) John Holland Pty Ltd
- (6) John Holland Rail Pty Ltd
- (7) NSW Trains
- (8) Sydney Trains
- (9) The Rail Motor Society Inc
- (10) Transport Heritage NSW Ltd.

4 Expiry

This instrument expires 3 calendar months after it is notified.

Note This exemption can be varied or cancelled at any time by further notice in the ACT Legislation Register.

Chris Steel
Minister for Transport
14 April 2020