



Rail Safety (General) Amendment (Health and Fitness Standards) Regulation 2004

under the

Rail Safety Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rail Safety Act 2002*.

MICHAEL COSTA, M.L.C.,
Minister for Transport Services

Explanatory note

Clause 50 of the *Rail Safety (General) Regulation 2003* requires accredited railway operators to ensure that railway employees meet applicable standards regarding railway employee health and fitness.

The object of this Regulation is to amend the *Rail Safety (General) Regulation 2003* to make it clear that operators must comply with applicable standards regarding railway employee health and fitness and to make clear the process by which such standards are issued.

This Regulation is made under the *Rail Safety Act 2002*, including section 117 (2) (c) and (n) and (3).

2004 No 211

Clause 1 Rail Safety (General) Amendment (Health and Fitness Standards)
Regulation 2004

Rail Safety (General) Amendment (Health and Fitness Standards) Regulation 2004

under the

Rail Safety Act 2002

1 Name of Regulation

This Regulation is the *Rail Safety (General) Amendment (Health and Fitness Standards) Regulation 2004*.

2 Amendment of Rail Safety (General) Regulation 2003

The *Rail Safety (General) Regulation 2003* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 50 Health and fitness of railway employees

Omit clause 50 (1). Insert instead:

- (1) An accredited person must not employ a person as a railway employee unless:
 - (a) the employee meets any standard contained in guidelines issued under this clause that are applicable to the employee, and
 - (b) the accredited person complies with any standard contained in guidelines issued under this clause that are applicable to the accredited person.

Maximum penalty:

- (a) in the case of a corporation—250 penalty units, or
- (b) in the case of an individual—50 penalty units.

[2] Clause 50 (2)

Insert “or with respect to” after “standards for”.

[3] Clause 50 (2A)

Insert after clause 50 (2):

- (2A) A guideline may adopt a standard approved by the ITSRR for the purposes of this clause that is contained in any industrial agreement or other agreement applicable to the employment of a railway employee.

[4] Clause 50 (5)

Omit the subclause.