



# Rail Safety (Drug and Alcohol Testing) Amendment 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

The objects of this Regulation are to:

- (a) prohibit an authorised officer or police officer from requiring a railway employee to undergo a breath test, submit to an assessment or a breath analysis or provide a sample of blood or urine after the employee has ceased to be on duty on a particular day, other than in a case where the employee has been involved in an accident or irregular incident at work, and
- (b) reduce the required number of portions of a urine sample from 3 to 2 equal portions of the urine sample taken, and
- (c) explicitly provide for the role of authorised officers and police officers in requiring a sample of a railway employee's urine to be taken and obtaining a sample of the urine.

This Regulation is made under the *Rail Safety Act 2002*, including section 117 (the general regulation-making power) and Schedule 1.

## **2004 No 46**

Clause 1 Rail Safety (Drug and Alcohol Testing) Amendment Regulation 2004

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# **Rail Safety (Drug and Alcohol Testing) Amendment Regulation 2004**

under the

Rail Safety Act 2002

### **1 Name of Regulation**

This Regulation is the *Rail Safety (Drug and Alcohol Testing) Amendment Regulation 2004*.

### **2 Amendment of Rail Safety (Drug and Alcohol Testing) Regulation 2003**

The *Rail Safety (Drug and Alcohol Testing) Regulation 2003* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 15 Restrictions on requiring breath test, assessment, breath analysis or sample**

Insert after clause 15 (c):

- (ca) in the case of a person other than an employee who has been involved in an accident or irregular incident while carrying out railway safety work, after the employee has ceased to be on duty on a particular day, or

**[2] Clause 17 Action to be taken with respect to urine samples**

Insert “, authorised officer, police officer” before “or” where firstly occurring in clause 17 (1).

**[3] Clause 17 (1) (a)**

Omit the paragraph: Insert instead:

- (a) divide the sample into 2 approximately equal portions, and

**[4] Clause 17 (2) (a)**

Omit “by the medical practitioner, nurse or other person”.

**[5] Clause 17**

Omit clause 17 (2) (b) and (c). Insert instead:

- (b) the other must be kept by the authorised officer or police officer present when the sample was taken, or who obtained the sample.

**[6] Clause 17 (3)**

Omit “The authorised officer or police officer to whom a sample of urine is handed”.

Insert instead “The authorised officer or police officer who obtains a sealed container containing a sample of urine”.

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Schedule 1 Amendments

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**[7] Clause 17 (3) (a)**

Omit “being handed the sample, place the sample”.

Insert instead “obtaining the container, place the container”.

BY AUTHORITY

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