



New South Wales

Rail Safety (Drug and Alcohol Testing) Amendment (Authorised Officers) Regulation 2005

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*.

JOHN WATKINS, M.P.,
Minister for Transport

Explanatory note

The object of this Regulation is to amend the *Rail Safety (Drug and Alcohol Testing) Regulation 2003* as a consequence of changes to the designation of persons who may carry out drug and alcohol testing, being changes resulting from the commencement of the *Transport Legislation Amendment (Waterfall Rail Inquiry Recommendations) Act 2005*.

This Regulation is made under the *Rail Safety Act 2002*, including section 117 (the general regulation-making power) and clause 2 of Schedule 1.

2005 No 581

Clause 1

Rail Safety (Drug and Alcohol Testing) Amendment (Authorised Officers)
Regulation 2005

**Rail Safety (Drug and Alcohol Testing) Amendment
(Authorised Officers) Regulation 2005**

under the

Rail Safety Act 2002

1 Name of Regulation

This Regulation is the *Rail Safety (Drug and Alcohol Testing) Amendment (Authorised Officers) Regulation 2005*.

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.

Schedule 1 Amendments

(Clause 2)

[1] Clause 3 Definitions

Omit the definition of *authorised officer* from clause 3 (1). Insert instead:
authorised officer means a person who is authorised under clause 4.

[2] Clause 4 Authorisation of officers

Omit “appoint any of the following persons to be an authorised officer for the purposes of exercising functions” from clause 4 (1).

Insert instead “authorise any of the following persons to exercise the functions of an authorised officer”.

[3] Clause 4 (2)

Omit “appoint as an authorised officer”. Insert instead “authorise”.

[4] Clause 4 (3)

Omit “instrument of appointment”. Insert instead “authorisation”.

[5] Clause 4 (4), (5) and (7)

Omit “appointment” wherever occurring. Insert instead “authorisation”.

[6] Clause 4 (6)

Omit “appointed as an authorised officer”. Insert instead “authorised”.

[7] Clause 4 (6)

Omit “appointment as an authorised officer”. Insert instead “authorisation”.

[8] Clause 24 Certificate evidence of concentration of alcohol in blood determined by breath analysis

Omit “a duly appointed” from clause 24 (3) (a).

Insert instead “duly authorised as an”.