

South Australia

Rail Safety National Law National Regulations (Drug and Alcohol Testing) Amendment Regulations 2024

under the *Rail Safety National Law*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Rail Safety National Law National Regulations 2012*

- 4 Amendment of regulation 28—Drug and alcohol management program
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Rail Safety National Law National Regulations (Drug and Alcohol Testing) Amendment Regulations 2024*.

2—Commencement

These regulations come into operation 28 days after the day on which they are made.

3—Amendment provisions

In these regulations, a provision under a heading referring to the amendment of specified regulations amends the regulations so specified.

Part 2—Amendment of *Rail Safety National Law National Regulations 2012*

4—Amendment of regulation 28—Drug and alcohol management program

- (1) Regulation 28(2)(a)(i)—delete subparagraph (i) and substitute:
 - (i) in each year on a random basis using risk management principles to select rail safety workers (being not less than 25% of all rail safety workers carrying out rail safety work within New South Wales in relation to the operator's railway operations), the operator must require the workers to submit to a preliminary breath test, a breath analysis or a test for the presence of a drug; and

**Rail Safety National Law National Regulations (Drug and Alcohol Testing) Amendment
Regulations 2024**

Part 2—Amendment of *Rail Safety National Law National Regulations 2012*

- (2) Regulation 28(2)(b)—after subparagraph (iii) insert:
- (iia) an oral fluid analysis confirming the presence of a drug in the oral fluid of a rail safety worker; and
- (3) Regulation 28(2)(b)(vi)—delete subparagraph (vi) and substitute:
- (vi) any rail safety worker who, when required to do so under the drug and alcohol management program of the operator, fails to undergo a breath test, undergo a breath analysis, or provide a sample of blood, urine or oral fluid; and
- (4) Regulation 28(2)(b)(vii)—delete subparagraph (vii) and substitute:
- (vii) any incident or suspected incident involving the interference or tampering with, or the destruction of, a sample of a person's blood, urine or oral fluid provided or taken under the drug and alcohol management program of the operator in contravention of that program; and
- (5) Regulation 28(2)(b)(viii)—delete subparagraph (viii) and substitute:
- (viii) any incident or suspected incident involving something being done in contravention of the drug and alcohol management program of the operator to introduce, or alter the concentration of, alcohol or any other drug in a rail safety worker's breath, blood, urine or oral fluid before the worker submitted to a breath analysis or oral fluid analysis or provided a sample of blood or urine under that program.

Made by the Governor of South Australia

as the designated authority under section 264 of the *Rail Safety National Law* on the unanimous recommendation of the responsible Ministers and with the advice and consent of the Executive Council of South Australia
on 5 December 2024