

# Rail Safety National Law (ACT) Amendment Regulation 2025 (No 1)

Subordinate law SL2025-15

made under the

*Rail Safety National Law (ACT) Act 2014*, section 10 (def *drug screening device*, par (b))

## EXPLANATORY STATEMENT

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### Introduction

This explanatory statement relates to the *Rail Safety National Law (ACT) Amendment Regulation 2025 (No 1)* (the regulation) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the regulation. It does not form part of the legislation and has not been endorsed by the Assembly.

This explanatory statement must be read in conjunction with the regulation. It is not, and is not meant to be, a comprehensive description of the regulation. What is said about a provision is not taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

### Overview

This regulation amends the *Rail Safety National Law (ACT) Regulation 2014*. Section 55 of the *Rail Safety National Law (ACT) Act 2014* gives the Executive the power to make regulations for the *Rail Safety National Law (ACT) Act 2014*.

The Office of the National Rail Safety Regulator (ONRSR) has responsibility for regulatory oversight of rail safety in every Australian state and territory. ONRSR independently administers the *Rail Safety National Law (South Australia) Act 2012*.

The ACT Government committed to applying the Rail Safety National Law in the ACT on 20 November 2014. The *Rail Safety National Law (ACT) Act 2014* section 10(b) requires (oral fluid) drug screening devices to be prescribed in the *Rail Safety National Law (ACT) Regulation 2014* for the purpose of drug testing in oral fluid samples.

Due to a change in its contractor and supplier arrangements, ONRSR has requested an amendment to the prescribed (oral fluid) drug screening devices.

This regulation contains an amendment to section 4 of the *Rail Safety National Law (ACT) Regulation 2014* to prescribe a further two (oral fluid) drug screening devices, namely *Clonal Technologies Oral Fluid Drug Test 7* and *Oranoxis ToxWipe Oral 7+* in addition to the current prescribed device, *Medvet Oral7*.

The function and capability of the *Clonal Technologies Oral Fluid Drug Test 7* and *Oranoxis ToxWipe Oral 7+* are similar to the *MedVet Oral7* used for the purpose of drug testing in oral fluid samples and are compliant with the requirements of the current oral fluid standard *AS/NZS4760:2019*.

The inclusion of the two devices supports the ongoing delivery of ONRSR's national testing program of rail safety workers in the ACT in accordance with Part 3 of the *Rail Safety National Law (ACT) Act 2014*.

### **Human rights implications**

There are no human rights implications associated with this regulation.

### **Climate change implications**

There are no climate change implications associated with this regulation.

## CLAUSE NOTES

### **Clause 1                      Name of regulation**

This clause specifies the name of the regulation. This clause provides that the regulation may be cited as the *Rail Safety National Law (ACT) Amendment Regulation 2025 (No 1)*.

### **Clause 2                      Commencement**

This clause provides for the commencement of the regulation. This regulation will commence the day after this regulation is notified.

### **Clause 3                      Legislation amended**

This clause names the regulation that is being amended by this Regulation. This regulation amends the *Rail Safety National Law (ACT) Regulation 2014*.

### **Clause 4                      Drug screening device—Act, s 10, def *drug screening device*, par (b)**

This clause supports the addition of a further two (oral fluid) drug screening devices. The clause contains an amendment to section 4 of the *Rail Safety National Law (ACT) Regulation 2014* to prescribe a further two (oral fluid) drug screening devices, namely *Clonal Technologies Oral Fluid Drug Test 7* and *Oranoxis ToxWipe Oral 7+* in addition to the current prescribed device, *Medvet Oral7*.