



Queensland

Transport (Rail Safety) Amendment Regulation (No. 1) 2016

Subordinate Legislation 2016 No. 114

made under the

Transport (Rail Safety) Act 2010

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1 Short title

This regulation may be cited as the *Transport (Rail Safety) Amendment Regulation (No. 1) 2016*.

2 Regulation amended

This regulation amends the *Transport (Rail Safety) Regulation 2010*.

3 Amendment of s 3 (Definitions)

Section 3, ‘4’—

omit, insert—

5

4 Amendment of pt 3, div 7, hdg (Management programs)

Part 3, division 7, heading, after ‘programs’—

insert—

other than fatigue management programs

5 Insertion of new pt 3, div 7A, hdg, new pt 3, div 7A, sdiv 1, hdg and new s 18A

After section 18—

insert—

**Division 7A Fatigue management
programs**

**Subdivision 1 Requirements for fatigue
management program**

18A Definitions for division

In this division—

away depot, for a train operator's train driver, means a place, other than the driver's home depot, provided or arranged by the operator as a place for the driver to rest between shifts.

drive, a train, means drive or otherwise control the movement of the train.

home depot, for a train operator's train driver, means the work location identified as the driver's home depot in the driver's contract of employment, contract of training or contract for services.

train means a freight train or passenger train.

train driver, of a train operator, means a rail safety worker who drives a train for the operator.

train operator means a rolling stock operator for a train.

6 Amendment of s 19 (Requirements for fatigue management program—Act, s 85)

Section 19—

insert—

- (2) Also for section 85 of the Act, if a rail transport operator is a train operator, the operator's fatigue management program for rail safety workers must—
 - (a) state the work hours and rest periods applying, under subdivision 2, to the operator's train drivers; and
 - (b) provide for measures for ensuring the operator's work arrangements for the operator's train drivers comply with the work hours and rest periods applying, under subdivision 2, to the drivers; and
 - (c) provide for measures to monitor and record compliance with the work hours and rest

periods applying, under subdivision 2, to the operator's train drivers, including measures to monitor and record—

- (i) the actual hours worked, and rest periods taken, by the drivers; and
 - (ii) any contravention by the drivers of the work hours and rest periods applying under subdivision 2; and
- (d) if the operator has an alternative work and rest hours approval—
- (i) include, as part of the program, the alternative work hours and rest periods management plan for the alternative work hours and rest periods the subject of the approval; and
 - (ii) provide for implementing the management plan.

7 Insertion of new pt 3, div 7A, sdivs 2 and 3

Part 3, after section 19—

insert—

Subdivision 2 Work hours and rest periods for train drivers

19A Purpose of subdivision

The purpose of this subdivision is to state, for section 19(2), the work hours and rest periods that apply to a train operator's train driver.

19B Standard work hours and rest periods

- (1) This section applies if the train driver drives a train for the train operator other than under an alternative work and rest hours approval.

- (2) The length of the train driver's shift must not be more than—
 - (a) if the driver drives a train as a one-driver operation for any period during the shift—9 hours; or
 - (b) otherwise—12 hours.
- (3) For subsection (2), the train driver drives a train as a ***one-driver operation*** for a period if the driver is the only person responsible for driving the train for the period.
- (4) Also, if, during a shift, the train driver drives a passenger train on an urban journey, the driver must not spend more than 8 hours of the shift driving trains.
- (5) The train driver's rest period must be at least—
 - (a) 12 hours; or
 - (b) if the driver's shift ending immediately before the rest period starts ended at an away depot—8 hours.
- (6) In any 14 day period, the train driver must not carry out work in relation to railway operations—
 - (a) in more than 12 shifts; or
 - (b) for more than 132 hours.
- (7) In this section—

length, of the train driver's shift, means the time between when the driver signs on to start the shift and when the driver signs off to end the shift, but does not include the time spent travelling as mentioned in section 19C(1)(b).

19C Travel to home depot or away depot

- (1) This section applies if the train driver—

- (a) drives a train for the train operator other than under an alternative work and rest hours approval; and
 - (b) before signing off to end a shift, travels to a home depot or away depot as a passenger in a train or other vehicle provided by the train operator.
- (2) The period between the train driver signing on for the shift and reaching the home depot or away depot must not be more than 16 hours.
- (3) After beginning to travel as mentioned in subsection (1)(b) and before signing off to end the shift, the train driver must not—
 - (a) carry out rail safety work; or
 - (b) drive a motor vehicle.

19D Alternative work hours and rest periods

- (1) This section applies if the train driver drives a train for the train operator under an alternative work and rest hours approval.
- (2) The train driver's shifts and rest periods must comply with the alternative work hours and rest periods the subject of the approval.

19E Transitioning between different work hours and rest periods

- (1) This section applies to the train driver if the following happens (a ***work arrangement change***)—
 - (a) for a train driver who is driving a train other than under an alternative work and rest hours approval—the driver starts driving a train under an alternative work and rest hours approval;

- (b) for a train driver who is driving a train under an alternative work and rest hours approval—
 - (i) the alternative work hours and rest periods the subject of the approval are varied; or
 - (ii) the driver starts driving a train other than under an alternative work and rest hours approval; or
 - (iii) the driver starts driving a train under another alternative work and rest hours approval.
- (2) The work hours and rest periods applying to the train driver under section 19B or 19D immediately before the work arrangement change happens continue to apply to the driver until—
 - (a) if the driver is taking a rest period when the change happens—the end of the rest period; or
 - (b) otherwise—the end of the driver's first rest period after the change.
- (3) If the rest period mentioned in subsection (2) is a minimum rest period, the length of the rest period must be the longer of the following—
 - (a) the minimum rest period under the work hours and rest periods applying to the train driver under section 19B or 19D immediately before the work arrangement change happens;
 - (b) the minimum rest period under the work hours and rest periods applying to the train driver under section 19B or 19D immediately after the work arrangement change happens.
- (4) The work hours and rest periods applying to the train driver under section 19B or 19D

immediately after the work arrangement change happens start to apply to the driver when the rest period mentioned in subsection (2) ends.

19F Exception for accident or emergency

Sections 19B to 19E do not apply to the train driver if—

- (a) either—
 - (i) an accident or emergency happens; or
 - (ii) other urgent or unforeseeable circumstances arise making it necessary for the driver to contravene the sections to avoid serious disruption to the train operator's railway services, because there is no reasonable alternative available; and
- (b) the driver reasonably believes the driver is not fatigued to the extent that the driver's ability to carry out rail safety work safely is impaired.

Note—

Under section 35 of the Act, a rail safety worker has a duty to not, intentionally or recklessly, place at risk the safety of another person while carrying out rail safety work on or in the immediate vicinity of rail infrastructure.

Subdivision 3 Approval of alternative work hours and rest periods for train drivers

19G Approval may be granted

- (1) The chief executive may approve alternative work hours and rest periods for a train operator's train drivers for the operator's railway operations of a

stated scope and nature.

- (2) For subsection (1), the stated scope and nature of the railway operations includes—
 - (a) the railway operations for which the approval is granted under subsection (3); and
 - (b) details of the nature of the railway operations mentioned in paragraph (a), including, for example—
 - (i) the railway tracks, and routes, in relation to which the railway operations are carried out; or
 - (ii) the type of train used to carry out the railway operations; or
 - (iii) the type of service provided by the railway operations.
- (3) An approval under subsection (1) may be granted for 1 or more of the following—
 - (a) all, or stated, railway operations;
 - (b) a service or aspect, or part of a service or aspect, of stated railway operations.

19H Consultation requirement

A train operator intending to apply for approval, under this subdivision, of alternative work hours and rest periods for the operator's train drivers must—

- (a) prepare a proposed alternative work hours and rest periods management plan for the alternative work hours and rest periods; and
- (b) so far as is reasonably practicable, consult with the following persons about the proposed management plan—

- (i) rail safety workers who are likely to be affected by the plan, including train drivers who would be required to comply with the alternative work hours and rest periods;
- (ii) workplace health and safety representatives, within the meaning of the Work Health and Safety Act, representing any of the persons mentioned in subparagraph (i);
- (iii) unions representing any of the persons mentioned in subparagraph (i).

19I Application for approval

- (1) A train operator may apply to the chief executive to approve alternative work hours and rest periods for the operator's train drivers for the operator's railway operations of a stated scope and nature.
- (2) The application for the approval must—
 - (a) be in the approved form; and
 - (b) state the following—
 - (i) the scope and nature of the railway operations for which the approval is sought;
 - (ii) details of the alternative work hours and rest periods for which the approval is sought;
 - (iii) whether or not the applicant—
 - (A) has alternative work hours and rest periods approved under a corresponding law; or
 - (B) has applied for approval of alternative work hours and rest periods under a corresponding law; and

- (c) include an alternative work hours and rest periods management plan for the alternative work hours and rest periods for which the approval is sought; and
- (d) include any information the applicant used to prepare the management plan mentioned in paragraph (c); and
- (e) include details of the consultation undertaken by the applicant under section 19H about a proposed alternative work hours and rest periods management plan for the alternative work hours and rest periods for which the approval is sought, including—
 - (i) the persons, or groups of persons, who were consulted; and
 - (ii) when and how the consultation was carried out; and
 - (iii) the views about the proposed management plan expressed by the persons consulted; and
 - (iv) any changes made to the proposed management plan as a result of the consultation.
- (3) The chief executive may, by notice, require the applicant to—
 - (a) supply further information; or
 - (b) verify by statutory declaration any information supplied to the chief executive.

19J What applicant for approval must demonstrate

- (1) The chief executive may grant an approval under this subdivision, with or without conditions, only if the chief executive is satisfied that granting the approval would not be likely to create risks to the

safety of the applicant's railway operations greater than the risks that would exist if the standard work hours and rest periods applied to the applicant's train drivers for the railway operations.

- (2) In making a decision under subsection (1), the chief executive must have regard to the following—
 - (a) the scope and nature of the railway operations for which the approval is sought;
 - (b) the applicant's alternative work hours and rest periods management plan for the alternative work hours and rest periods for which the approval is sought;
 - (c) anything else the chief executive considers relevant.

19K Considering application

- (1) The chief executive must consider each application for approval of alternative work hours and rest periods under this subdivision and—
 - (a) if the chief executive is satisfied the chief executive can grant the approval under section 19J—grant the approval, with or without conditions; or
 - (b) refuse the application.
- (2) The chief executive must grant the approval, or refuse the application, before the latest of the following periods ends—
 - (a) 3 months after the application was received by the chief executive;
 - (b) if the chief executive requested further information in relation to the application—3 months after the chief executive receives the final information requested;

- (c) another later period agreed to by the chief executive and the applicant.
- (3) For subsection (1), the chief executive may impose conditions on the alternative work and rest hours approval, including, for example, that the applicant make stated changes to the applicant's alternative work hours and rest periods management plan for the alternative work hours and rest periods the subject of the approval.

19L Steps after application decided

- (1) If the chief executive approves alternative work hours and rest periods under this subdivision, the chief executive must give the applicant—
 - (a) a notice stating the matters mentioned in subsection (2); and
 - (b) if the chief executive has imposed a condition on the approval—an information notice for the decision to impose the condition.
- (2) A notice under subsection (1)(a) must state the following—
 - (a) the details of the applicant, including—
 - (i) the applicant's name; and
 - (ii) the applicant's address stated on the application; and
 - (iii) the applicant's ABN; and
 - (iv) if the applicant's railway operations are carried out under a registered business name, the registered business name; and
 - (v) if the applicant is a corporation, the applicant's ACN;

- (b) the scope and nature of the railway operations for which the approval is granted;
 - (c) details of the alternative work hours and rest periods for which the approval is granted;
 - (d) the conditions of the approval;
 - (e) the day, which must be at least 7 days after the notice is given to the applicant, on which the approval is to take effect.
- (3) If the chief executive decides to refuse the application, the chief executive must give the applicant an information notice for the decision.

19M When approval takes effect

An alternative work and rest hours approval takes effect on the day stated in the notice for the approval given under section 19L.

19N Approval subject to conditions

- (1) An alternative work and rest hours approval is subject to the following conditions—
- (a) the train operator to whom the approval is granted must review the operator's alternative work hours and rest periods management plan for the alternative work hours and rest periods the subject of the approval—
 - (i) after each fatigue-related notifiable occurrence happens on or in relation to the operator's railway operations the subject of the approval; and
 - (ii) after each change in the nature of the work of the operator's train drivers that may cause the drivers to drive trains for the operator's railway operations the

subject of the approval whilst fatigued;
and

- (iii) in any event—at least once every year;
 - (b) the train operator to whom the approval is granted must notify the chief executive of the outcome of a review under paragraph (a) within 28 days after the review is completed;
 - (c) if the train operator to whom the approval is granted intends to vary the alternative work hours and rest periods management plan for the alternative work hours and rest periods the subject of the approval—the operator must give the chief executive a copy of the management plan, as varied, at least 2 months before the variation is to take effect;
 - (d) the conditions, if any, imposed by the chief executive under section 19K.
- (2) The train operator must comply with the conditions of the alternative work and rest hours approval.

Note—

Failure to comply with a condition of an alternative work and rest hours approval is a ground for the approval to be varied, suspended or revoked under section 19O.

- (3) For subsection (1)(a)(i), a ***fatigue-related notifiable occurrence*** happens on or in relation to a train operator's railway operations if—
- (a) a notifiable occurrence happens on or in relation to the railway operations; and
 - (b) the operator knows, or reasonably suspects, the notifiable occurrence was caused wholly or partly because a train driver was driving a train for the railway operations whilst fatigued.

190 Grounds for varying, suspending or revoking approval

- (1) This section applies if—
- (a) an alternative work and rest hours approval was granted because of a document or representation that is false or misleading or obtained or made in another improper way; or
 - (b) the chief executive reasonably considers risks to the safety of a train operator's railway operations the subject of an alternative work and rest hours approval are greater than the risks that would exist if the standard work hours and rest periods applied to the operator's train drivers for the railway operations; or
 - (c) the chief executive—
 - (i) becomes aware that the alternative work hours and rest periods management plan for the alternative work hours and rest periods the subject of an alternative work and rest hours approval has been, or is to be, changed; and
 - (ii) reasonably considers, having regard to the change or proposed change, risks to the safety of the railway operations the subject of the approval have increased or are likely to increase; or
 - (d) the chief executive reasonably believes the alternative work hours and rest periods the subject of an alternative work and rest hours approval are not being complied with; or
 - (e) the train operator granted an alternative work and rest hours approval has contravened—
 - (i) a condition of the approval; or

- (ii) the Act.
- (2) The chief executive may, by complying with section 19P—
 - (a) vary the alternative work and rest hours approval in any of the following ways—
 - (i) by varying the scope and nature of the railway operations that are the subject of the approval;
 - (ii) by varying the alternative work hours and rest periods that are the subject of the approval;
 - (iii) by varying the conditions of the approval, including by imposing new conditions; or
 - (b) suspend the approval wholly or partly, or in relation to stated railway operations, for a stated period; or
 - (c) revoke the approval wholly or partly, or in relation to stated railway operations, with immediate effect or with effect from a stated future date.

19P Procedure for varying, suspending or revoking approval

- (1) Before making a decision under section 19O, the chief executive must—
 - (a) give the train operator a notice stating—
 - (i) that the chief executive is considering making a decision under section 19O of the type, and for the reasons, stated in the notice; and
 - (ii) that the operator may, within the period of at least 28 days stated in the notice, make written representations to the

chief executive showing cause why the decision should not be made; and

- (b) consider any representations made under paragraph (a)(ii) that have not been withdrawn.
- (2) If, after considering the written representations, the chief executive decides to act under section 19O, the chief executive must give the train operator an information notice for the decision.
 - (3) If the chief executive decides to revoke the alternative work and rest hours approval, the information notice must include a direction to the train operator to return the notice given under section 19L(1) for the approval to the chief executive within 14 days after receiving the information notice.
 - (4) A train operator who is directed under subsection (3) to return a notice must comply with the direction, unless the operator has a reasonable excuse.
Maximum penalty—20 penalty units.
 - (5) A decision under section 19O takes effect on the later of the following—
 - (a) the day the information notice is given to the train operator;
 - (b) the day of effect stated in the information notice.
 - (6) If, after considering the written representations, the chief executive decides action is no longer required under section 19O in relation to the alternative work and rest hours approval, the chief executive must give the train operator notice of the decision.

19Q Suspending approval immediately

- (1) This section applies if the chief executive reasonably considers there is, or would be, an immediate and serious risk to the safety of persons if a train operator's alternative work and rest hours approval is not suspended immediately.
- (2) The chief executive may, by notice given to the train operator and without complying with section 19O, immediately suspend the operator's alternative work and rest hours approval—
 - (a) wholly or partly, or in relation to stated railway operations; and
 - (b) for a stated period not exceeding 6 weeks.
- (3) The notice given under subsection (2) must include, or be accompanied by, an information notice.
- (4) The chief executive may amend a suspension of a train operator's alternative work and rest hours approval under this section to—
 - (a) reduce the period of suspension; or
 - (b) extend the period of suspension so long as the total suspension period does not exceed 6 weeks.
- (5) Before amending a suspension of a train operator's alternative work and rest hours approval under this section to extend the period of suspension, the chief executive must—
 - (a) give the operator a notice stating—
 - (i) that the chief executive is considering extending the period of suspension for the reasons stated in the notice; and
 - (ii) that the operator may, within the period of at least 7 days stated in the notice, make written representations to the

- chief executive showing cause why the suspension should not be extended; and
- (b) consider any representations made under paragraph (a)(ii) that have not been withdrawn.
- (6) If, after considering the written representations, the chief executive decides to amend the suspension of the train operator's alternative work and rest hours approval to extend the period of suspension, the chief executive must give the operator an information notice for the decision.
- (7) If the chief executive decides to amend the suspension of the train operator's alternative work and rest hours approval to reduce the period of suspension, the chief executive must give the operator a notice stating the new period of suspension.

19R Application for variation of approval

- (1) A train operator may apply to the chief executive for a variation of the operator's alternative work and rest hours approval, including, for example, to vary—
- (a) the scope and nature of the railway operations that are the subject of the approval; or
 - (b) the alternative work hours and rest periods that are the subject of the approval; or
 - (c) a condition of the approval imposed by the chief executive.
- (2) An application for a variation of an alternative work and rest hours approval must—
- (a) be in the approved form; and
 - (b) include the details of the variation being sought.

- (3) Also, if the application is for a variation of the alternative work hours and rest periods that are the subject of the alternative work and rest hours approval, the application must be made as if it were an application for the approval of the alternative work hours and rest periods under this subdivision.

Note—

See sections 19H and 19I for the requirements for an application for the approval of alternative work hours and rest periods.

- (4) The chief executive may, by notice, require the applicant to—
- (a) supply further information; or
 - (b) verify by statutory declaration any information supplied to the chief executive.

19S Considering application for variation and conditions that may be imposed

- (1) The chief executive must consider each application, under section 19R, for a variation of an alternative work and rest hours approval and—
- (a) vary the approval in the way sought by the applicant, with or without imposing new or varied conditions on the approval not sought by the applicant; or
 - (b) refuse the application.
- (2) The chief executive may vary the alternative work and rest hours approval under subsection (1)(a) only if the chief executive is satisfied that the approval as it applies after the variation would not be likely to create risks to the safety of the applicant's railway operations greater than the risks that would exist if the standard work hours and rest periods applied to the applicant's train drivers for the railway operations.

- (3) In making a decision under subsection (1), the chief executive must have regard to the following—
 - (a) the scope and nature of the railway operations that are the subject of the alternative work and rest hours approval to which the application relates;
 - (b) the following management plan—
 - (i) if the application is for a variation of the alternative work hours and rest periods that are the subject of the alternative work and rest hours approval—the applicant’s alternative work hours and rest periods management plan for the alternative work hours and rest periods as varied;
 - (ii) otherwise—the applicant’s alternative work hours and rest periods management plan for the alternative work hours and rest periods the subject of the approval;
 - (c) anything else the chief executive considers relevant.
- (4) For subsection (1)(a), the chief executive may impose new or varied conditions on the alternative work and rest hours approval not sought by the applicant, including, for example, that the applicant make stated changes to the applicant’s alternative work hours and rest periods management plan for the alternative work hours and rest periods the subject of the approval.
- (5) The chief executive must vary the alternative work and rest hours approval, or refuse the application, before the latest of the following periods ends—
 - (a) 3 months after the application was received by the chief executive;

- (b) if the chief executive requested further information in relation to the application—3 months after the chief executive receives the final information requested;
- (c) another later period agreed to by the chief executive and the applicant.

19T Steps after application for variation decided

- (1) If the chief executive decides to vary an alternative work and rest hours approval under section 19S, the chief executive must give the applicant—
 - (a) a notice stating the matters mentioned in subsection (2); and
 - (b) if the chief executive has imposed a new or varied condition on the approval not sought by the applicant—an information notice for the decision to impose the new or varied condition.
- (2) A notice under subsection (1)(a) must state the following—
 - (a) details of the applicant, including—
 - (i) the applicant's name; and
 - (ii) the applicant's address stated on the application; and
 - (iii) the applicant's ABN; and
 - (iv) if the applicant's railway operations are carried out under a registered business name, the registered business name; and
 - (v) if the applicant is a corporation, the applicant's ACN;
 - (b) details of the variation of the alternative work and rest hours approval;

- (c) if the chief executive has imposed a new or varied condition on the alternative work and rest hours approval—the new or varied condition.
- (3) If the chief executive decides to refuse the application, the chief executive must give the applicant an information notice for the decision.

8 Insertion of new pt 3, div 8A

Part 3, after section 21—

insert—

Division 8A Provision about information chief executive may require

21A Information that may be required—Act, s 90

- (1) This section prescribes, for section 90 of the Act, information the chief executive may, under that section, require from a rail transport operator who is a train operator.
- (2) The chief executive may require the train operator to give any of the following information for a stated period—
 - (a) information about compliance, during the period, with the work hours and rest periods applying, under division 7A, subdivision 2, to the operator's train drivers, including information about—
 - (i) the actual hours worked, and rest periods taken, by the drivers in the period; and
 - (ii) any contravention by the drivers, in the period, of the work hours and rest

periods applying under division 7A, subdivision 2;

- (b) information about any circumstances in which sections 19B to 19E did not apply, in the period, to a train driver of the operator because of the operation of section 19F;
- (c) if the operator has an alternative work and rest hours approval, information about—
 - (i) compliance, during the period, with the alternative work hours and rest periods management plan for the alternative work hours and rest periods the subject of the approval; and
 - (ii) the outcome of any review conducted in the period of the alternative work hours and rest periods management plan for the alternative work hours and rest periods the subject of the approval.

9 Amendment of s 27 (Information that must be given—Act, s 91(1))

Section 27—

insert—

- (2) Also, if the rail transport operator is a train operator for a freight train or passenger train, the operator must give the chief executive the following information for each financial year during which railway operations are carried out by or on behalf of the operator under the operator's accreditation—
 - (a) information about compliance, during the year, with the work hours and rest periods applying, under division 7A, subdivision 2, to the operator's train drivers, including information about any contravention of the

work hours and rest periods by the drivers in the year;

- (b) information about any circumstances in which sections 19B to 19E did not apply, in the year, to a train driver of the operator because of the operation of section 19F;
- (c) if the operator has an alternative work and rest hours approval—information relating to the implementation of the alternative work hours and rest periods management plan, for the alternative work hours and rest periods the subject of the approval, during the year.

10 Insertion of new pts 7 and 8

After section 49—

insert—

Part 7 Internal and external review

50 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 4 (the ***original decision***) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—

- (i) for the procedure applying for the review and the way it is to be carried out; and
- (ii) that the person may apply to QCAT to have the original decision stayed.

51 External review of decisions

- (1) This section applies if the chief executive's decision (the *internal review decision*) on a review under section 50 is not the decision sought by the applicant for the review.

Note—

Under the *Transport Planning and Coordination Act 1994*, section 34, the chief executive must give the applicant a notice complying with the QCAT Act, section 157(2).

- (2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the internal review decision.

Note—

The QCAT Act, section 22(3) provides that QCAT may stay the operation of the internal review decision, either on application by a party or on its own initiative.

Part 8 Transitional provision for Transport (Rail Safety) Amendment Regulation (No. 1) 2016

52 Application of particular provisions

The following provisions do not apply in relation to a train operator's railway operations until 1 July 2017—

- section 19(2)

- part 3, division 7A, subdivision 2
- part 3, division 8A
- section 27(2).

11 Amendment and renumbering of sch 4 (Dictionary)

(1) Schedule 4—

insert—

alternative work and rest hours approval means an approval of alternative work hours and rest periods granted under part 3, division 7A, subdivision 3.

alternative work hours and rest periods means work hours and rest periods applying to a train operator's train driver that are different to the standard work hours and rest periods.

alternative work hours and rest periods management plan, for alternative work hours and rest periods, means a document that—

- (a) states—
 - (i) the alternative work hours and rest periods; and
 - (ii) the railway operations to which the alternative work hours and rest periods apply; and
- (b) identifies and assesses any additional risks to the safety of the railway operations likely to result from the alternative work hours and rest periods applying to a train operator's train drivers for the railway operations; and
- (c) states any measures to manage the additional risks identified under paragraph (b).

away depot, for part 3, division 7A, see section 18A.

drive, a train, for part 3, division 7A, see section 18A.

home depot, for part 3, division 7A, see section 18A.

information notice, for a decision, means a notice stating the following—

- (a) the decision;
- (b) reasons for the decision;
- (c) that, under section 50, the person may ask for the decision to be reviewed by the chief executive;
- (d) that, under the *Transport Planning and Coordination Act 1994*, part 5, division 2, the person may apply for the decision to be stayed by QCAT;
- (e) that, in relation to the chief executive's decision on the review, the person may—
 - (i) under section 51, ask for the decision to be reviewed by QCAT; and
 - (ii) under the QCAT Act, apply for the decision to be stayed by QCAT.

rest period, for a train operator's train driver, means the period between when the driver signs off to end a shift and when the driver signs on to start the driver's next shift.

standard work hours and rest periods means the work hours and rest periods applying to a train operator's train driver under section 19B.

train, for part 3, division 7A, see section 18A.

train driver, of a train operator, has the meaning given by section 18A.

train operator has the meaning given by section 18A.

work hours and rest periods means maximum

work hours and minimum rest periods.

- (2) Schedule 4—
renumber as schedule 5.

12 Insertion of new sch 4

After schedule 3—

insert—

Schedule 4 Internal and external reviews

section 50

Section of Regulation	Description of decision
19K(1)(a)	decision of chief executive to impose conditions on approval of alternative work hours and rest periods
19K(1)(b)	decision of chief executive to refuse application for approval of alternative work hours and rest periods
19O(2)	decision of chief executive to vary, suspend or revoke alternative work and rest hours approval
19Q(2)	decision of chief executive to immediately suspend alternative work and rest hours approval
19Q(4)(b)	decision of chief executive to extend period of suspension of alternative work and rest hours approval
19S(1)(a)	decision of chief executive to impose, on an alternative work and rest hours approval to which an application for variation relates, new or varied conditions not sought by the applicant

[s 12]

Section of Regulation	Description of decision
19S(1)(b)	decision of chief executive to refuse application for variation of alternative work and rest hours approval

ENDNOTES

- 1 Made by the Governor in Council on 7 July 2016.
- 2 Notified on the Queensland legislation website on 8 July 2016.
- 3 The administering agency is the Department of Transport and Main Roads.

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