

# **Rail Safety National Law (Queensland) and Other Legislation Amendment Regulation 2025**

Explanatory notes for SL 2025 No. 160

made under the

*Rail Safety National Law (Queensland) Act 2017*  
*Transport Operations (Passenger Transport) Act 1994*

## **General Outline**

### **Short title**

*Rail Safety National Law (Queensland) and Other Legislation Amendment Regulation 2025*  
(the Amendment Regulation).

### **Authorising law**

Sections 15, 34 and 63 of the *Rail Safety National Law (Queensland) Act 2017*  
Section 62AAA and section 155 of the *Transport Operations (Passenger Transport) Act 1994*.

### **Policy objectives and the reasons for them**

*Drug and alcohol testing for rail safety workers*

The first policy objective of the the Amendment Regulation is to enable the chief executive to approve laboratories for drug and alcohol testing, as well as saliva testing devices and collection units used for drug testing of rail safety workers.

Under the Rail Safety National Law (the National Law), the Office of the National Rail Safety Regulator (ONRSR) is responsible for the national program for drug and alcohol testing of rail safety workers. The primary purpose of the program is to improve safety by reducing risks associated with rail safety workers undertaking work while under the influence of drugs or alcohol.

The National Law is cooperative, nationally agreed legislation hosted by South Australia and applied in each participating state or territory through local legislation. It allows each jurisdiction's application law, such as the *Rail Safety National Law (Queensland) Act 2017* (the RSNL Act) supported by the *Rail Safety National Law (Queensland) Regulation 2017* (the RSNL Regulation) in Queensland, to prescribe details such as approved laboratories and testing devices for drug and alcohol testing of rail safety workers.

Part 3 of the RSNL Act sets out provisions for drug and alcohol testing procedures. Division 3 of Part 3 includes provisions about requiring a rail safety worker to submit to a *preliminary saliva test*. Section 15 defines *preliminary saliva test* as a test to obtain an indication of the presence of a prescribed drug in a person's saliva, using a device approved by regulation. Section 6 of the RSNL Regulation sets out the device that is approved for the purpose of this definition. Currently this device is the Medvet Oral7.

Section 38 of the RSNL Act provides that a specimen must be delivered to the laboratory of an analyst. Section 15 defines *analyst* to mean a person who carries out an analysis or laboratory test in a laboratory prescribed by regulation. Section 4 of the RSNL Regulation prescribes laboratories for the purpose of this definition. Paragraph (b) contains the laboratory that is prescribed for analysis or laboratory test of a specimen of saliva. Currently this is Racing Analytical Services Limited.

ONRSR has recently appointed a new service provider to deliver the national drug and alcohol testing program for rail safety workers. The new provider uses different laboratories and new saliva testing devices. Therefore, to support ongoing delivery of drug and alcohol testing of rail safety workers in Queensland, amendments are required to the RSNL Regulation to provide for new laboratories and testing devices.

### *Transitioning Coochiemudlo Island ferry services into the Integrated Mass Transit Area*

The second policy objective is to enable the Department of Transport and Main Roads (TMR) to enter into an integrated mass transit (IMT) service contract for ferry services between Victoria Point and Coochiemudlo Island (Coochiemudlo Island ferry services).

The Amendment Regulation will allow the services to run as a Translink service, and deliver customer benefits such as integrated ticketing (one fare for a journey even if you tap on and off on several modes), journey planning tools, and smart ticketing.

## **Achievement of policy objectives**

### *Drug and alcohol testing for rail safety workers*

To achieve the first policy objective, the Amendment Regulation removes the references to specific laboratories, saliva testing devices and collection units in sections 4, 6 and 8 of the RSNL Regulation, and instead inserts new sections 18A and 18B which empower the chief executive to:

- approve laboratories, saliva testing devices and collection units, and to publish notice of the approval on the department's (currently the TMR) website (section 18A), and
- revoke an approval and publish notice of the revocation on the department's website (section 18B).

New section 18C requires the chief executive to publish a register of approvals on the department's website.

Although the collection units themselves are not changing as a result of the new service provider, they are being included in the same approval framework to ensure consistency and allow future flexibility. No amendments are made for alcohol breath testing devices, which are prescribed by reference to an Australian Standard, allowing ONRSR flexibility in the devices it uses.

The amendments ensure that future updates to laboratories, saliva testing devices and collection units can be made more efficiently, while continuing to meet evidentiary requirements.

#### *Transitioning Coochiemudlo Island ferry services into the Integrated Mass Transit Area*

To achieve the second policy objective, the Amendment Regulation prescribes Coochiemudlo Island ferry services as part of the integrated mass transit area (IMTA). This must be done before TMR can enter into an IMT service contract for these services.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the main purpose of the National Law to provide for safe railway operations in Australia and its application by the RSNL Act.

The Amendment Regulation is consistent with the objectives of the *Transport Operations (Passenger Transport) Act 1994*, as it aims to ensure the best possible public passenger transport, at reasonable cost to the community and government, keeping government regulation to a minimum.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

There are no alternative ways to achieve the policy objectives.

The amendments to the National Law will remove the specific references to laboratories, saliva testing devices and collection units, enabling future changes to be made without regulatory amendments.

## **Benefits and costs of implementation**

#### *Drug and alcohol testing for rail safety workers*

There are no costs associated with the implementation of the amendments to the RSNL Regulation. The benefit of implementation will be that future changes to laboratories, saliva testing devices and collection units required because of a change in national service provider or otherwise, can be made more efficiently, without regulatory amendments.

### *Transitioning Coochiemudlo Island ferry services into the Integrated Mass Transit Area*

The Amendment Regulation will unlock full integration with Translink's South-East Queensland network, providing Coochiemudlo Island ferry services with access to Translink's branding and smart ticketing system. Customers will benefit from smart ticketing and contactless payment options on these services, supporting seamless travel throughout South-East Queensland. Customers will also benefit from access to real-time service information and journey planning tools via Translink platforms.

Integration with the broader Translink network gives TMR improved oversight of services, which is expected to enhance service consistency and reliability.

There will be no financial or other costs to business or the community. Any costs to government in procuring the IMT service contract, integrating Coochiemudlo Island ferry services into the IMTA, and relating to the delivery of services under the IMT service contract, will all be met from TMR's existing budget allocations. Ferry services are funded at a program level, with \$41.5 million allocated for the 2025–26 financial year.

## **Consistency with fundamental legislative principles**

The amendments allow the chief executive to approve laboratories, saliva testing devices and collection units under the RSNL Regulation. This may raise fundamental legislative principle concerns about the delegation of administrative power in appropriate cases and to appropriate persons (section 4(3)(c) of the *Legislative Standards Act 1992*). Any potential breach is justified as it is appropriate that the chief executive be able to approve such matters quickly and flexibly, in response to changes in the delivery of the national program. Further, potential issues with sub-delegation (section 4(5)(e) of the *Legislative Standards Act 1992*) are ameliorated by ensuring that approvals given by the chief executive are easily accessible to the public, so that what was in effect at any point in time can be easily identified for evidentiary purposes.

## **Consultation**

### *Drug and alcohol testing for rail safety workers*

ONRSR was consulted and supports the proposed Amendment Regulation.

In accordance with the *Queensland Government Better Regulation Policy* (the Better Regulation Policy), a Summary Impact Analysis Statement (IAS) has been prepared. Further regulatory impact analysis is not required because the amendments are minor and machinery in nature.

### *Transitioning Coochiemudlo Island ferry services into the Integrated Mass Transit Area*

No external consultation was undertaken on this proposal. However, potential bidders for a new service contract for ferry services to Coochiemudlo Island were informed of the intention to transition to an IMT service contract arrangement.

In accordance with the Better Regulation Policy, an IAS has been prepared. The IAS concluded that the amendments are machinery in nature, are generally beneficial, and not subject to further regulatory impact analysis.