

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

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (the HRA), I, Brent Andrew Mickelberg MP, Minister for Transport and Main Roads, provide this human rights certificate with respect to the *Rail Safety National Law (Queensland) and Other Legislation Amendment Regulation 2025* (the Amendment Regulation) made under the *Rail Safety National Law (Queensland) Act 2017* (the RSNL Act) and *Transport Operations (Passenger Transport) Act 1994* (the PT Act).

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the HRA. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The Amendment Regulation is made under the RSNL Act and the PT Act.

Drug and alcohol testing for rail safety workers

The Amendment Regulation enables 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 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.

The RSNL Regulation currently prescribes specific laboratories for drug and alcohol testing, and specific saliva testing devices and collection units for drug testing. ONRSR has recently appointed a new service provider to deliver the national drug and alcohol testing program. The new provider uses different laboratories and new saliva testing devices, necessitating changes to the RSNL Regulation.

The Amendment Regulation removes the references to specific laboratories, saliva testing devices, and collection units, and instead empowers 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 Department of Transport and Main Roads' (TMR) website, and
- revoke an approval and publish notice of the revocation on the department's website.

The chief executive is required 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

The Amendment Regulation amends section 76 of the *Transport Operations (Passenger Transport) Regulation 2018* to prescribe the Victoria Point-Coochiemudlo Island service contract route, being the route of ferry services between Victoria Point and Coochiemudlo Island, as part of the Integrated Mass Transit Area.

This will enable TMR to contract the ferry services under an integrated mass transit service contract. This will allow the services to run as Translink services, 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.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The Amendment Regulation does not engage or limit human rights.

Conclusion

I consider that the *Rail Safety National Law (Queensland) and Other Legislation Amendment Regulation 2025* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

Brent Mickelberg MP
Minister for Transport and Main Roads