NORTHERN TERRITORY OF AUSTRALIA

RAIL SAFETY (NATIONAL UNIFORM LEGISLATION) REGULATIONS

Subordinate Legislation No. 1 of 2013

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Rail Safety (National Uniform Legislation) Regulations

I, Sally Gordon Thomas, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Rail Safety (National Uniform Legislation) Act*.

Dated 11 February 2013

S. G. THOMAS
Administrator

By Her Honour's Command

A. G. GILES
Minister for Transport

* Notified in the *Northern Territory Government Gazette* on 11 February 2013.

1 Citation

These Regulations may be cited as the *Rail Safety (National Uniform Legislation) Regulations*.

2 Definition

In these Regulations:

worker means a rail safety worker.

3 Breath analysis instrument

(1) A device for carrying out breath analysis that is of a type known as a Dräger Alcotest 7110 is prescribed for the definition of ***breath analysis instrument*** in section 10(1) of the Act.

(2) In this regulation:

Dräger Alcotest 7110 includes any device with the trade name "Dräger Alcotest", "Drager Alcotest" or "Draeger Alcotest" and associated with the number "7110".

4 BAC value corresponding to BrAC value of breath analysis instrument result

For section 10(4) of the Act, the numerical value of a breath analysis instrument result expressed as BrAC in grams of alcohol per 210 L of exhaled breath corresponds to the same numerical value of a result expressed as BAC in grams per 100 ml of blood, as shown by the examples in the following table:

Table

Column 1 Grams per 210 L of exhaled breath (BrAC)	Column 2 Grams per 100 ml of blood (BAC)
0.05	0.05
0.08	0.08
0.15	0.15

Note for table

The results indicated in Column 1 are identical to the results indicated opposite in Column 2. The only difference is the unit of measurement by which the result is expressed.

5 Breath analysis procedures

(1) Before an authorised person uses a breath analysis instrument for Part 4, Division 2 of the Act, the authorised person must prepare the instrument for the analysis by ensuring that:

(a) the instrument is turned on; and

(b) the words "READY TO START" appear on the display panel of the instrument.

(2) An authorised person using a breath analysis instrument must provide an unused mouthpiece for use by the worker in providing each sample of breath in the breath analysis.

(3) The authorised person must not carry out a breath analysis in relation to a worker if the authorised person suspects, on reasonable grounds, that the worker has consumed alcohol within the period of 15 minutes immediately before the proposed time for carrying out the breath analysis.

6 Taking sample of blood

(1) If, under Part 4 of the Act, an authorised person requires a worker to provide a sample of his or her blood, or a worker requests a sample of his or her blood be taken, the authorised person must arrange for a health practitioner to take a sample of blood from the worker in accordance with this section.

(2) The authorised person must ask the worker to nominate a health practitioner to take the sample.

(3) If the worker does not nominate a health practitioner, the authorised person must ask the worker to accept a health practitioner nominated by the authorised person.

(4) If the worker does not accept the health practitioner nominated by the authorised person, any available health practitioner may take the sample.

(5) In addition, any available health practitioner may take the sample if:

(a) each health practitioner nominated or accepted by the worker is unavailable to take the sample within 1 hour after the worker:

(i) was required to provide the sample; or

(ii) requested the sample be taken; or

(b) each health practitioner nominated or accepted by the worker is unavailable to take the sample at a place within 10 km of the place where the worker:

(i) was required to provide the sample; or

(ii) made the request for the sample to be taken.

(6) The authorised person must be present when the health practitioner takes the sample from the worker.

7 Procedures relating to blood analysis – health practitioners

(1) A health practitioner who, under Part 4 of the Act, takes a sample of blood from a worker must do the following:

(a) divide the sample into 2 approximately equal portions;

(b) place each portion into a separate container;

(c) seal each of the containers;

(d) mark each of the containers with the sample's identification number.

(2) On complying with subregulation (1), the health practitioner must sign a certificate specifying the following:

(a) the identification number marked on the containers;

(b) the name and address of the worker from whom the sample was taken (to the extent known);

(c) the name of the health practitioner, and whether he or she is a medical practitioner, a registered nurse or a qualified person;

(d) the date and time when, and place where, the sample was taken.

(3) The health practitioner must then:

(a) make one of the containers and the signed certificate available to the authorised person (who must give it to, or retain it on behalf of, the Regulator); and

(b) give the other container to the worker or the worker's representative, or retain it on behalf of the worker.

8 Prescribed analysts

A person employed or engaged by the State of South Australia to perform or supervise the analysis of blood samples in that State is prescribed for the definition of ***analyst*** in section 10(1) of the Act.

9 Procedures relating to blood analysis – analysts

(1) On the completion of an analysis under Part 4 of the Act, the person who performed or supervised the analysis must sign a certificate specifying the following information:

(a) the identification number marked on the container of the sample;

(b) the name of the person, whether he or she is an analyst or a person employed by an analyst and whether he or she performed the analysis or supervised the person who performed the analysis;

(c) the date the sample was received in the laboratory where the analysis was performed;

(d) if the presence of alcohol is detected in the sample – the concentration of alcohol;

(e) if the presence of a drug is detected in the sample – the type of drug;

(f) any factors relating to the sample or analysis that might, in the opinion of the person signing the certificate, adversely affect the accuracy or validity of the analysis;

(g) any other information relating to the sample or analysis the person considers appropriate.

(2) The signed certificate must be given to, or retained on behalf of, the Regulator.

(3) A copy of the signed certificate must be made available to the health practitioner who took the sample and the worker.

(4) The Regulator may provide a copy of the signed certificate to a rail transport operator who employs a worker if the certificate indicates the prescribed BAC or a prohibited drug was present in the worker's sample of blood.