



# Victoria Government Gazette

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## Rail Safety National Law (Victoria)

### NOTICE OF MINISTERIAL EXEMPTION

I, Ben Carroll, Minister for Public Transport and Responsible Minister under the Rail Safety National Law (Victoria), give notice under section 203 of the Rail Safety National Law, as applied by the **Rail Safety National Law Application Act 2013**, that I exempt the rail transport operators specified below from the requirement to comply with section 114 of the Rail Safety National Law (as it applies in this jurisdiction) subject to the following conditions:

- (1) The rail transport operator must comply with the provisions of section 114 so far as is reasonably practicable to do so.
- (2) This exemption only applies to rail transport operators accredited to operate in Victoria that usually conduct health assessments of their rail safety workers in Victoria.
- (3) This exemption only applies to periodic health assessments. It does not include triggered health assessments, pre-placement health assessments or change of risk category health assessments.
- (4) Where a rail transport operator is not able to access an authorised health professional due to impacts from the global pandemic COVID-19 (as declared by the World Health Organisation in March 2020), the rail transport operator must undertake a risk assessment in relation to the affected rail safety workers and determine, based on their most recent health assessment, whether it is low risk to postpone the periodic health assessment and allow them to continue undertaking rail safety work until such time as the assessment can be scheduled.
- (5) Rail transport operators must document any change management and consultation processes in relation to operating under this exemption.
- (6) Rail transport operators cannot transfer or assign the exemption conferred by this Notice.

Specified rail transport operators which are exempt pursuant to this Notice:

- i. Alexandra Timber Tramway & Museum
- ii. Alstom Transport Australia Pty Ltd
- iii. Aurizon Operations Ltd
- iv. Australian Western Railroad Pty Ltd
- v. Australian Rail Track Corporation Limited (ARTC)
- vi. Ballarat Tramway Museum
- vii. BlueScope Steel Ltd
- viii. Bombardier Transportation Australia Pty Ltd
- ix. Boral Cement Ltd
- x. Broadspectrum (Australia) Pty Ltd
- xi. Castlemaine & Maldon Railway Preservation Society
- xii. Coleman Rail Pty Ltd
- xiii. CPB Contractors Pty Ltd
- xiv. Diesel Electric Rail Motor Preservation Association of Victoria
- xv. Downer EDI Rail Pty Ltd
- xvi. Downer EDI Works Pty Ltd
- xvii. Emerald Tourist Railway Board
- xviii. Freightliner Australia Pty Ltd
- xix. Geelong Steam Preservation Society
- xx. Gemco Rail Pty Ltd
- xxi. One Rail Australia Pty Ltd (formerly Genessee & Wyoming Australia Pty Ltd)

**SPECIAL**

- xxii. Graincorp Operations Ltd
- xxiii. Great Southern Rail Ltd
- xxiv. Holdco Holdings Pty Ltd
- xxv. John Holland Pty Ltd
- xxvi. KDR Victoria Pty Ltd
- xxvii. Laing O'Rourke Australia Constructions Pty Ltd
- xxviii. Linx Portlink Pty Ltd
- xxix. Loram Pty Ltd
- xxx. Martinus Rail Pty Ltd
- xxxi. McConnel Dowel Constructors (Aust.) Pty Ltd
- xxxii. Melbourne Tramcar Preservation Society
- xxxiii. Metro Trains Melbourne Pty Ltd
- xxxiv. Mornington Railway Preservation Society Inc
- xxxv. NSW Trains
- xxxvi. Pacific National Pty Ltd
- xxxvii. Portland Cable Trams Inc
- xxxviii. Progress Rail Australia Pty Ltd
- xxxix. Qube Logistics (Rail) Pty Ltd
- xl. R C Sadleir Pty Ltd
- xli. Red Cliff Historical Steam Railway Inc
- xl.ii. Seven-0-Seven Operations
- xl.iii. Seymour Railway Heritage Centre Inc
- xl.iiiii. Southern Cross Station Pty Ltd
- xl.v. Specialised Bulk Rail Pty Ltd
- xl.vi. Speno Rail Maintenance Australia Pty Ltd
- xl.vii. Steamrail Victoria Inc.
- xl.viii. Sydney Rail Services Pty Ltd
- xl.ix. Sydney Trains
- i. Taylor Rail Australia Pty Ltd
- ii. The Bendigo Trust
- iii. The Central Highlands Tourist Railway
- iiiii. The Rail Motor Society Inc.
- liv. Transport Heritage NSW Ltd
- lv. Transvolution Operations Pty Ltd
- lvi. Twentieth Super Pace Nominees Pty Ltd
- lvii. UGL Rail Services Pty Ltd
- lviii. V/Line Corporation
- lix. Victorian Rail Track Corporation
- lx. Walhalla Goldfields Railway Inc.
- lxi. Yarra Valley Railway Incorporated

The exemption will take effect on the date that this Notice is published in the Victoria Government Gazette and will cease to have effect three calendar months from the date of publication of this Notice.

Dated 23 July 2020

BEN CARROLL MP  
Minister for Public Transport

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