
Rail Safety Act 2008 No 97

Repealed version for 7 December 2012 to 19 January 2013 (accessed 15 August 2018 at 15:06)

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10 Duties of rail safety workers

- (1) A rail safety worker, when carrying out rail safety work, must:
 - (a) take reasonable care for his or her own safety, and
 - (b) take reasonable care for the safety of people who may be affected by the rail safety worker's acts or omissions, and
 - (c) co-operate with the rail transport operator with respect to any action taken by the rail transport operator to comply with a requirement imposed by or under this Act or the regulations.
- (2) A rail safety worker, when carrying out rail safety work, must not intentionally or recklessly interfere with or misuse anything provided to them by the rail operator:
 - (a) in the interests of safety, or
 - (b) under this Act or the regulations.
- (3) A rail safety worker, when carrying out rail safety work, must not wilfully or recklessly place the safety of another person on or in the immediate vicinity of rail infrastructure at risk.
- (4) In determining, for the purposes of subsection (1) (a), (b) or (c), whether a rail safety worker failed to take reasonable care, regard must be had to what the rail safety worker knew about the relevant circumstances.

Maximum penalty:

- (a) in the case of a previous offender—45 penalty units, or
- (b) in any other case—30 penalty units.

Note. The duties and other requirements of this Act and the regulations do not preclude the operation of the work health and safety legislation. Section 175 provides for this and other matters relating to the relationship between this Act and the regulations and the work health and safety legislation.