

1987

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
THE SENATE

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*(Presented and read a first time, 15 September 1987)*

(MINISTER FOR TRANSPORT AND COMMUNICATIONS, SENATOR EVANS)

**A BILL**

FOR

**An Act to amend the *Australian National Railways  
Commission Act 1983***

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

**Short title etc.**

5     **1.** (1) This Act may be cited as the *Australian National Railways  
Commission Amendment Act 1987*.

**(2)** The *Australian National Railways Commission Act 1983*<sup>1</sup> is in this Act referred to as the Principal Act.

**Commencement**

10     **2.** (1) Subject to subsection (2), this Act shall come into operation on the day on which it receives the Royal Assent.

**(2)** Section 4 shall come into operation or be deemed to have come into operation, as the case requires, immediately before 1 October 1987.

3. After section 13 of the Principal Act the following section is inserted:

**Provision of entertainment etc.**

"13A. (1) Without limiting the generality of subsection 6 (1), the Commission may, in accordance with by-laws in force under paragraph 79 (1) (ca), provide entertainment (including gambling facilities) or other services (not being services provided under section 13) specified in the by-laws:

- (a) on passenger trains; or
- (b) on premises owned or occupied by the Commission.

"(2) Entertainment or other services provided by the Commission as mentioned in subsection (1) shall be provided only for persons travelling on services operated by the Commission.

"(3) Notwithstanding any law of a State or Territory to the contrary:

- (a) the Commission, and its employees, may permit persons to make use of entertainment or other services provided by the Commission in accordance with by-laws in force under paragraph 79 (1) (ca); and
- (b) a person may, in accordance with those by-laws, make use of entertainment or other services so provided.

"(4) In this section:

- (a) a reference to the Commission, or to its employees, includes a reference to a person acting with the authority of the Commission or to the employees of such a person, as the case may be; and
- (b) 'passenger train' has the same meaning as in section 13."

**Compensation payable to certain transferred South Australian employees**

4. (1) Section 47 of the Principal Act is amended:

- (a) by inserting after subsection (7) the following subsection:

"(7A) The regulations may provide that an amount specified in the Workers Compensation Act or in any regulation or Proclamation under the Act (including an amount specified by virtue of regulations made pursuant to this subsection) shall, for the purposes of this section, be taken to be replaced by such higher amount as is specified in the regulations."

- (b) by omitting the definition of "applied South Australian provisions" from subsection (8) and substituting the following definition:

"'applied South Australian provisions' means the provisions of Parts II, IV and VIII of, and the Second Schedule to, the Workers Compensation Act, and of any regulations and Proclamations in force immediately before 1 October 1987 for the purposes of those Parts and that Schedule, as modified by:

- (a) regulations made under the *Compensation (Commonwealth Government Employees) Act 1971*

for the purpose of enabling matters connected with the payment of compensation in relation to transferred South Australian employees in accordance with those provisions to be dealt with under Parts I, II, IV and V, Part VI (except section 98) and Parts VII and IX of the *Compensation (Commonwealth Government Employees) Act 1971*; and

(b) regulations made under this Act for the purposes of subsection (7A);”; and

(c) by omitting “from time to time” from the definition of “Workers Compensation Act” in subsection (8) and substituting “immediately before 1 October 1987”.

(2) Nothing in the amendments made by subsection (1) shall be taken, by implication, to affect the application of the Principal Act, as in force at a time before the commencement of this section, to a claim for compensation made or determined after that commencement in respect of an event that occurred or circumstances that arose or existed before that commencement.

#### **Inquiries into accidents etc.**

5. Section 70 of the Principal Act is amended by inserting after “be” in subsection (1) “, and such other matters relating to the accident or incident, as the case may be, as are specified in the instrument”.

#### **By-laws**

6. Section 79 of the Principal Act is amended by inserting after paragraph (1) (c) the following paragraph:

“(ca) the provision by or on behalf of the Commission of entertainment (including gambling facilities) or other services on passenger trains or on premises owned or occupied by the Commission;”.

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#### **NOTE**

1. No. 140, 1983, as amended. For previous amendments, see No. 65, 1985; and No. 76, 1986.

