

1987

THE PARLIAMENT OF THE
COMMONWEALTH OF AUSTRALIA

THE SENATE

AUSTRALIAN NATIONAL RAILWAYS COMMISSION
AMENDMENT BILL 1987

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Transport
and Communications
Senator the Hon Gareth Evans, QC)

This memorandum takes account of amendments made by the
House of Representatives to the Bill as introduced.

AUSTRALIAN NATIONAL RAILWAYS COMMISSION AMENDMENT BILL 1987

OUTLINE

The Australian National Railways Commission Amendment Bill 1987 amends the Australian National Railways Commission Act 1983. The amendment has three main purposes:

- (1) to give the Australian National Railways Commission (AN) the authorisation to provide entertainment, including gambling facilities, or other services.

AN's passenger services currently lose almost \$30M per year. The introduction of entertainment facilities is part of an overall strategy to improve the viability of AN's passenger services.

- (2) to restore the previously existing right of employees transferred to AN under the Railways Agreement (South Australia) Act 1975 to elect to claim compensation under either the Compensation (Commonwealth Government Employees) Act 1971 or the Workmen's Compensation Act 1971 of South Australia. The latter Act was repealed on 30 September 1987.

Eligible employees are those who were transferred from South Australia's non-metropolitan railways to AN and who have continuous service from 1 March 1978. On 30 September 1987 the Workmen's Compensation Act 1971 of South Australia was repealed by the South Australian Workers Rehabilitation and Compensation Act 1986. This amendment will continue the right of eligible employees to have access to the provisions of the repealed South Australian Act.

- (3) to broaden the powers of Boards of Inquiry established under Section 70 of the Act to examine the causes of accidents and make appropriate recommendations.

Two Boards of Inquiry have been established under Section 70. It is considered future inquiries would benefit from broader powers to consider such issues as causes of accidents. The proposed powers are consistent with provisions for accident inquiries under the Air Navigation Regulations.

FINANCIAL IMPACT STATEMENT

The amendment will not involve any direct financial cost to the Government.

The introduction of entertainment facilities, which is part of an overall strategy to improve AN's financial viability, is intended to contribute towards maintaining AN's current share of the passenger market and attracting additional patronage.

In the longer term this should improve AN's performance and thus result in a reduced call on taxpayers' funds.

NOTES ON CLAUSES

Clause 1: Short title

The first clause of the Bill provides for a short title and defines the Principal Act.

Clause 2: Commencement

This clause provides for Clause 4 to come into operation immediately before 30 September 1987, with the remaining clauses to operate from the date of Royal Assent.

Clause 3: Provision of entertainment

This clause provides for Section 13A to be inserted after Section 13 of the Principal Act. Section 13A authorises the Commission to provide entertainment or other services in accordance with by-laws.

Terms are defined in sub-section 13A(4).

Clause 4: Compensation payable to certain transferred South Australian employees

This clause amends definitions under Section 47 of the Principal Act so that specified provisions of the Workmen's Compensation Act 1971 of the State of South Australia in force immediately before its repeal on 30 September 1987 continue to apply after its repeal. It also provides for the amount of compensation specified in that South Australian Act to be varied by regulation.

Clause 5: Inquiries into accidents

This clause extends the provisions of Section 70 of the Principal Act to enable Boards of Inquiry into railway accidents to examine other matters relating to the accidents which are specified in the instrument establishing the Board of Inquiry.

Clause 6: By-laws

This clause amends Section 79 of the Principal Act to enable the Commission to make by-laws determining the extent of entertainment and other services and arrangements under which they will be provided.