

LEGISLATIVE COUNCIL

Transport Administration Amendment (New South Wales and Commonwealth Rail Agreement) Bill 2004

Schedule of the Government amendments agreed to in Committee of the Whole on
Wednesday 5 May 2004.

No. 1 Page 17, Schedule 1 [13]. Insert after line 11:

- (3) Without limiting subsection (1), an agreement must contain provisions requiring ARTC to facilitate compliance by the rail authority with any industrial awards or agreements applicable to members of staff temporarily placed with ARTC under this Division.

No. 2 Page 17, Schedule 1 [13], line 19. Insert “, if the information is relevant to the exercise by ARTC of its functions in respect of members of staff temporarily placed with it or to workplace safety or the safety of the NSW rail network” after “ARTC”.

No. 3 Page 18, Schedule 1 [13]. Insert after line 8:

- (7) A rail authority must, in taking into account and acting on the basis of any disciplinary or other action taken by ARTC as referred to in subsection (6), have regard to any matters raised by the member of staff in relation to that action at the time that action was taken.
- (8) The Public Employment Office may, from time to time, issue guidelines (not inconsistent with this section) for or with respect to the following matters:
 - (a) the matters to be taken into consideration by the chief executive of a rail authority in respect of the temporary placement of members of staff with ARTC under this section,
 - (b) requirements relating to the obtaining of consent to placement of members of staff with ARTC at a lower level of remuneration,
 - (c) the exercise by a rail authority of a power of dismissal of a member of staff as referred to in subsection (6).
- (9) A rail authority and the chief executive of a rail authority must have regard to any applicable guidelines issued by the Public Employment Office under this section.

No. 4 Page 18, Schedule 1 [13]. Insert after line 9:

Public Employment Office means the Public Employment Office constituted by the Public Sector Employment and Management Act 2002.

No. 5 Page 18, Schedule 1 [13], line 18. Omit “an unspecified period”. Insert instead “a specified minimum period”.

No. 6 Page 19, Schedule 1 [13], lines 1–17. Omit all words on those lines. Insert instead:

- (2) Nothing in subsection (1) affects the functions and liabilities of a transferring rail authority, or a director or a person concerned in the management of a transferring rail authority, in respect of a temporary member of staff of ARTC under the *Occupational Health and Safety Act 2000* or any employer liability legislation.

No. 7 Page 20, Schedule 1 [13]. Insert after line 36:

- (5) Nothing in this section permits a regulation to be made that has the effect of:
 - (a) removing from a transferring rail authority the obligation to have and maintain in force an insurance policy, or to be a self-insurer, under the Workers Compensation Acts in respect of any of its employees who are temporary members of staff of ARTC, or
 - (b) removing any liability of any such transferring rail authority in respect of injury to a temporary member of staff of ARTC under those Acts or that exists independently of those Acts.

No. 8 Page 26, Schedule 1 [24], line 16. Insert “or rail infrastructure facility” after “railway building”.

No. 9 Page 27, Schedule 1. Insert after line 29:

[33] Schedule 6A, clause 2E

Insert at the end of the clause:

- (2) Subclause (1) does not permit ARTC to extend or expand rail infrastructure facilities.

No. 10 Page 27, Schedule 1. Insert after line 32:

[34] Schedule 6A, clause 3 (1) (b)

Insert “or facility” after “building”.

No. 11 Page 28, Schedule 1 [34], line 9. Insert “or rail infrastructure facilities” after “buildings”.

No. 12 Page 28, Schedule 1 [37], line 20. Insert “and rail infrastructure facilities” after “buildings”.

No. 13 Page 28, Schedule 1 [38], line 23. Insert “or rail infrastructure facility” after “building”.

No. 14 Page 29, Schedule 1 [41], line 8. Insert “or rail infrastructure facility” after “land”.

No. 15 Page 29, Schedule 1 [42], line 12. Insert “or rail infrastructure facility” after “building”.

No. 16 Page 29, Schedule 1 [43], line 15. Insert “or rail infrastructure facility” after “building”.

No. 17 Page 29, Schedule 1 [45], line 19. Insert “or rail infrastructure facility” after “building” where secondly occurring.

No. 18 Page 29, Schedule 1 [47], line 25. Insert “or infrastructure owner” after “building owner”.

No. 19 Page 29, Schedule 1. Insert after line 25:

[48] Schedule 6A, clause 6 (1)

Insert “or facility” after “enter the building”.

[48] Schedule 6A, clause 6 (1) (a)

Insert “or facility” after “entry to the building”.

No. 20 Page 30, Schedule 1 [49], line 7. Omit “is the building owner”. Insert instead “or rail infrastructure facility is the owner of the building or facility”.

No. 21 Page 30, Schedule 1 [50], line 11. Insert “, infrastructure owner” after “land”.

No. 22 Page 30, Schedule 1. Insert after line 21:

[54] Schedule 6A, clause 7 (5)

Insert “, facility” after “value of the building”.

No. 23 Page 31, Schedule 1 [57], line 5. Insert “**(as amended by this Schedule)**” after “**7 (8)**”.

No. 24 Page 31, Schedule 1 [57], line 6. Omit “building”. Insert instead “facilities”.

No. 25 Page 31, Schedule 1 [58], line 11. Insert “or rail infrastructure facility” after “land”.

No. 26 Page 32, Schedule 1 [63], line 2. Insert “or a rail infrastructure facility” after “building”.

No. 27 Page 32, Schedule 1 [64], line 4. Insert “or rail infrastructure facilities” after “buildings”.

No. 28 Page 32, Schedule 1. Insert after line 6:

[66] Schedule 6A, clause 8 (3)

Insert “and facilities” after “buildings” wherever occurring.

No. 29 Page 33, Schedule 1. Insert after line 14:

[78] Schedule 6A, clause 10 (2)

Insert “or rail infrastructure facility” after “a building”.

No. 30 Page 34, Schedule 1 [89], lines 20–24. Omit all words on those lines. Insert instead:

(1A) If ARTC is a party to a dispute and the dispute has not been resolved as referred to in subclause (1), the dispute is to be referred to arbitration, unless the parties agree to submit the dispute to the Minister under this clause. The *Commercial Arbitration Act 1984* applies to any dispute referred to arbitration.

No. 31 Page 35, Schedule 1 [91], line 2. Omit all words on that line. Insert instead:

Omit “with respect to entry into operator buildings”.

No. 32 Page 37, Schedule 1 [95], line 14. Insert “, use or occupy” after “enter”.

No. 33 Page 38, Schedule 1 [97], line 17. Insert “or rail infrastructure facilities” after “buildings”.

No. 34 Page 38, Schedule 1 [97]. Insert after line 18:

(a1) requirements to be observed between infrastructure owners, building owners and railway land owners with respect to access by infrastructure owners and building owners to railway land and management of that access,

Examined

Chairman of Committees
