

LEGISLATIVE COUNCIL

RAIL SAFETY LEGISLATION AMENDMENT (NATIONAL SERVICES
DELIVERY AND RELATED REFORMS) BILL 2019(Amendments and New Clauses to be proposed in Committee by Mr DAVIS)

1. Clause 1, page 2, line 16, omit "**2013.**" and insert "**2013; and**".
2. Clause 1, page 2, after line 16 insert—

"(c) to amend the **Rail Management Act 1996** to provide for parliament oversight of the sale and lease of railway track, tramway track and rolling stock by the Crown or statutory bodies."
3. Clause 19, line 7, omit "**Related**" and insert "**Other**".
4. Clause 19, line 14, omit "**Related**" and insert "**Other**".
5. Clause 19, line 25, omit "**Related**" and insert "**Other**".
6. Clause 19, page 100, line 31, omit "**Related**" and insert "**Other**".
7. Clause 19, page 102, line 17, omit "**Related**" and insert "**Other**".
8. Clause 19, page 102, line 26, omit "**Related**" and insert "**Other**".
9. Page 136, after line 12 insert the following heading—

"Division 1A—Amendment of the Rail Management Act 1996".

NEW CLAUSES

10. Insert the following New Clauses to follow clause 106 and the heading proposed by amendment number 9—

"106A Definitions

In section 3(1) of the **Rail Management Act 1996** insert the following definitions—

"critical infrastructure means a railway track, tramway track or rolling stock;

foreign government has the same meaning as in section 4 of the Foreign Acquisitions and Takeovers Act 1975 of the Commonwealth;

foreign person has the same meaning as in section 4 of the Foreign Acquisitions and Takeovers Act 1975 of the Commonwealth;

public entity has the same meaning as in section 3 of the **Public Administration Act 2004**;

relevant agreement means—

- (a) an agreement for the sale or lease of critical infrastructure and any related infrastructure by an entity on behalf of the Crown or a public entity to—
 - (i) a natural person; or
 - (ii) a body corporate that is not a public entity; or
 - (iii) the Commonwealth, another State or a Territory or an entity that represents the Crown in right of the Commonwealth, another State or a Territory; or
 - (iv) a foreign government or foreign person; or
- (b) an agreement that amends an agreement referred to in paragraph (a);".

106B New Part 1A inserted

After Part 1 of the **Rail Management Act 1996** insert—

"Part 1A—Parliament oversight of sale or lease of critical infrastructure

4 Tabling in Parliament

The Minister must cause a copy of a relevant agreement to be laid before each House of the Parliament within 6 sitting days of that House following the making of the agreement.

5 Revocation

- (1) A relevant agreement may be revoked wholly or in part by resolution of each House of the Parliament passed within 6 sitting days of that House after a copy of the relevant agreement is laid before that House.
- (2) If a relevant agreement is not laid before a House of the Parliament within the period required by section 4, the relevant agreement is taken to be revoked on the day immediately following the end of that period.
- (3) The Minister must cause to be published in the Government Gazette a notice of the revocation of the relevant agreement or part of the relevant agreement.

6 Effect of revocation of relevant amending agreement

- (1) If a relevant amending agreement is revoked under section 5—
 - (a) a provision of the relevant agreement that had been cancelled or revoked by the relevant amending agreement, or by the part of the relevant amending agreement that is revoked, is revived as from the beginning of the day on which the relevant amending agreement or part, was revoked; and
 - (b) a provision of the relevant agreement that had been amended (otherwise than by cancellation or revocation) by the relevant amending agreement, or by the part of the relevant amending agreement that is revoked, takes effect without that amendment as

from the beginning of the day on which the relevant amending agreement, or part, was revoked as if the amendment had not been made

(2) In this section—

relevant amending agreement means an agreement referred to in paragraph (b) of the definition of relevant agreement."."

11. Clause 110, line 22, omit "**Related**" and insert "**Other**".
12. Long title, after "**Act 2010**" insert ", the **Rail Management Act 1996**".
13. Short title, omit "**Related**" and insert "**Other**".