Australian National Railways Commission Amendment Bill 1987

Date Introduced: 15 September 1987
House: Senate
Presented by: Senator the Hon. John Button, Minister Representing the Minister for Transport and Communications

Diget of Bill

Purpose

To allow the Australian National Railways Commission (ANRC) to provide entertainment services, including gambling, and to widen the accident inquiry power.

Background

The ANRC was established by the Australian National Railways Commission Act 1983 (the Principal Act) and is empowered to provide passenger and freight services, incidental non-rail services and engineering advice. ANRC operates interstate rail services, non-metropolitan services in South Australia and the Tasmanian rail system. ANRC is to conduct its operations in a manner that complies with sound business practices. However, the Minister retains the right to direct ANRC in certain matters and this power was used in 1985–86 to direct ANRC to continue operations in Tasmania for a further three years. As compensation, ANRC will receive $52.4 million over the period.

ANRC has continued to lose money since its establishment, though the extent of the loss has diminished in recent years. In 1982–83 the loss was $106.556 million compared with a loss of $69.449 million in 1985–86. 1 Of this latter amount, $25.7 million was lost on passenger services which contributed approximately 10% of total revenue. 2 The reduction in losses has been achieved through increased revenue and improved efficiency. As well as reducing its losses ANRC has reduced its workforce which fell by 672 to 8,127 in 1985–86, and since 1978 there has been a reduction of 30.2% in the workforce. 3 The improvement in ANRC’s performance is reflected in the revenue to cost ratio which is currently approximately 45% and is anticipated to rise to 60% by 1988–89. 4

The intention to amend the Principal Act to allow entertainment to be provided was announced by the Minister in a media release dated 1 October 1986 which also contained a number of other proposed amendments such as the separate financing of passenger services.
Main Provisions

Except for proposed section 4 which will commence or be deemed to have commenced immediately before 1 October 1987, the Bill will come into operation on the day it receives the Royal Assent (clause 2).

Clause 3 will insert a new section 13A into the Principal Act, authorising ANRC to provide entertainment, including gambling, on passenger trains and premises owned or occupied by ANRC, though entertainment is to be provided only for those persons travelling on services operated by ANRC. This provision will have effect notwithstanding any State or Territory law to the contrary (proposed sub-sections 13A(2) and 13A(3)).

Clause 4 will insert a new sub-section 47(7A) into the Principal Act to preserve the right of employees transferred to ANRC under the Railways Agreement (South Australia) Act 1975 to claim compensation under either South Australian or Federal law.

Sub-section 70(1) of the Principal Act provides for the establishment of Boards of Inquiry to inquire into and report on railway accidents resulting in loss of human life or serious injury and other serious incidents on railways. Clause 5 will amend the sub-section to extend the powers of inquiry to cover the examination of such other matters relating to an accident or incident as are specified in the instrument establishing an inquiry.

Section 79 of the Principal Act will be amended to allow by-laws relating to entertainment to be made (clause 6).

References

2. Ibid., p.2
3. Ibid., p.3

For further information, if required, contact the Economics and Commerce Group.

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This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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