AUSTRALIAN NATIONAL RAILWAYS AMENDMENT BILL 1978

Date Introduced: 14 March 1978
House: House of Representatives

Short Digest of Bill

Purpose

To finalise the transfer of non-metropolitan South Australian Railways to the Commonwealth, in particular the long service leave entitlements and workmen's compensation arrangements of South Australian railway employees transferring to the Australian National Railways Commission (ANRC).

Background

Negotiations relating to the transfer of State Government railways to the Commonwealth commenced following the election of the Labor Government in December 1972. As a result of these negotiations agreement was reached for the transfer of the South Australian non-metropolitan railways and Tasmanian railways to the Commonwealth. The transfer of liabilities and assets of both these railways took place on 1 July 1975. Since that time the railways have been run by State authorities under the direction of the ANRC. Discussions have continued since 1 July 1975 between the Commonwealth Government and the Governments of South Australia and Tasmania on a number of operational and industrial matters prior to the ANRC taking full control. The Australian National Railways Amendment Act 1977 assented to on 7 June 1977 resolved some of the issues. The present Bill brings the transfer to completion.

Main Provisions

The Bill which when enacted will be retrospective to 1 March 1978 (clause 2) deals primarily with the long service leave entitlements and worker's compensation of transferred South Australian employees (clause 5).

The proposed section 52 allows a transferred South Australian employee to choose whether his long service leave entitlements, or payments in lieu, should be determined under the Long Service Leave (Commonwealth) Employees) Act 1976 or the State Public Service Act. The South Australian long service leave provisions are those in force...
on 1 March 1978. The proposed section 52A is inserted to protect the superior leave entitlements of a small number of employees of the former Commonwealth Railways who commenced employment before 7 October 1944.

Compensation for injury of transferred South Australian employees is dealt with in the proposed section 52B. This provides that the Compensation (Commonwealth Government Employees) Act 1971 applies unless the injured employee elects to receive the "applied South Australian provisions" as defined in sub-section 52B(8).

The intention of the Parliament that ANRC will have the same liabilities in respect of worker's compensation as employees have under the South Australian legislation is expressed in sub-section 52B(6).

The proposed section 52C relates to both transferred South Australian and Tasmanian employees. It provides that where superannuation or provident fund schemes are referred to in sub-sections 45(7) and 46(3) of the Compensation (Commonwealth Government Employees) Act 1971 then that reference includes the relevant schemes of the two States. This is intended to preclude the possibility of a transferred employee being entitled to a full superannuation pension and a full worker's compensation benefit.

Clause 6 of the Bill sets out the transitional provisions. Sub-clause (1) gives an employee injured between 1 March 1978 and the date of Royal Assent 4 weeks after Royal Assent to make an election to receive the applied South Australian provisions.

21 March 1978

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