

RAIL SAFETY BILL 2009

Council's Amendments

Amendments made by the Council now considered.

Consideration in Detail

The amendments made by the Council were as follows —

No. 1

Page 67, after line 18 — To insert —

- (b) If it is not practicable for a rail safety worker to produce the identification on being requested to do so, the rail safety worker may produce it within a period considered reasonable by the requesting rail safety officer.

No. 2

Page 76, after line 34 — To insert —

- (3) If a place is entered under subsection (1) and the occupier is present at the place, the occupier is entitled to observe the inspection.

No. 3

Page 103, lines 4 and 5 — To delete “are recoverable” and insert —
may be recovered

No. 4

Page 104, lines 5 to 13 — To delete the lines and insert —

If, in the course of an investigation, an independent investigator reasonably believes that immediate action is required to prevent an occurrence involving the rolling stock or rail infrastructure of a rail transport operator that could result in, or that has the potential to result in —

- (a) the death of, or injury to, any person; or
 - (b) damage to any property or equipment,
- the independent investigator may, in writing, advise the CEO, the Rail Safety Regulator and the rail transport operator that that action is required.

No. 5

Page 120, lines 25 to 27 — To delete the lines.

No. 6

Page 126, line 17 — To delete “.” and insert —

; and

- (c) sets out the penalty for the offence.

No. 7

Page 168, after line 14 — To insert —

218A. Immunity for administering a test or taking a sample

No action may be taken against a person who, in good faith, administers a test or takes a sample of blood or urine or other body tissues or fluids carried out under this Act.

Leave granted for the amendments to be considered together.

Mr M.J. COWPER: I move —

That the amendments made by the Council be agreed to.

Mr C.J. TALLENTIRE: The opposition supports these amendments. We recognise the good work undertaken in the upper house by the Standing Committee on Uniform Legislation and Statutes Review that conducted a review and then presented its report 46. That report has enabled us to see some areas for improvement that had escaped our attention when the legislation came through this place previously. It is a good indication of how the process can work. When we have the expert eye of people like Hon Adele Farina, who chairs that committee, we can make sure that the quality of our legislation is improved. It is important to note that some concerns have been raised at different times by unions that work in this area, but I think to a reasonable extent those concerns

have been absorbed into the amendments. It is also important to note that, in fact, this legislation may be superseded by a future national rail safety regulator should that body be created. I understand there is a Council of Australian Governments agreement to that effect and that is perhaps something we can look forward to as a further step forward in how we improve rail safety in Western Australia and, indeed, across Australia. This set of amendments from the Legislative Council has the support of this side of the house and we look forward to seeing the amendments pass into statute.

Mr M.J. COWPER: I appreciate the comments made by the member. The message that has come from the other place is pretty straightforward. The amendments are somewhat cosmetic, but we agree to them; we would not like to see this bill delayed any further.

Question put and passed; the Council's amendments agreed to.

The Council acquainted accordingly.