

**Legislative Council—No 130**

As received from the House of Assembly and read a first time, 27 September 2011

South Australia

**Railways (Operations and Access) (Access Regime Review) Amendment Bill 2011**

A BILL FOR

An Act to amend the *Railways (Operations and Access) Act 1997*.

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**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Railways (Operations and Access) (Access Regime Review) Amendment Act 2011*.

### **5 2—Commencement**

This Act will come into operation on a day to be fixed by proclamation.

### **3—Amendment provisions**

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## **10 Part 2—Amendment of *Railways (Operations and Access) Act 1997***

### **4—Insertion of section 7A**

After section 7 insert:

#### **7A—Review and expiry of access regime**

- 15 (1) The regulator must, within the last year of each prescribed period, conduct a review of the operators and railway services subject to the access regime to determine whether the access regime should continue to apply.
- 20 (2) The regulator must give reasonable notice of the review in a newspaper circulating generally throughout the State inviting written submissions on the matters under review within a reasonable time specified in the notice.
- 25 (3) The regulator must consider submissions made in response to the notice and other submissions made in the course of other forms of public consultation undertaken by the regulator in connection with the review.

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- (4) On completing the review, the regulator must forward to the Minister a report on the review and the conclusions reached by the regulator as a result of the review and, in particular, must recommend either—
- (a) that the access regime should continue in operation for a further prescribed period; or
  - (b) that the access regime should expire at the end of the existing prescribed period.
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- (5) The Minister must have copies of the report laid before both Houses of Parliament and must have the regulator's recommendation published in the Gazette.
- (6) The access regime expires at the end of a prescribed period unless—
- (a) the regulator has, in the report of a review conducted during the prescribed period, recommended that it should continue in operation for a further prescribed period; and
  - (b) the period of its operation has been extended by regulation.
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- (7) In this section—
- prescribed period*** means—
- (a) the period ending 30 October 2015; and
  - (b) each successive period of 5 years thereafter.