

South Australia



**NON-METROPOLITAN RAILWAYS (TRANSFER) (NATIONAL RAIL)  
AMENDMENT ACT 1998**

**No. 72 of 1998**

**SUMMARY OF PROVISIONS**

1. Short title
2. Commencement
3. Insertion of s. 11B
  - 11B. Referral of power to the Commonwealth



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No. 72 of 1998

An Act to amend the Non-Metropolitan Railways (Transfer) Act 1997.

[Assented to 3 December 1998]

The Parliament of South Australia enacts as follows:

## Short title

1. (1) This Act may be cited as the *Non-Metropolitan Railways (Transfer) (National Rail) Amendment Act 1998*.

(2) The *Non-Metropolitan Railways (Transfer) Act 1997* is referred to in this Act as "the principal Act".

## Commencement

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

## Insertion of s. 11B

3. The following section is inserted after section 11A of the principal Act:

### Referral of power to the Commonwealth

11B. (1) For the purposes of section 51 xxxvii of the Australian Constitution, the matter of the Commonwealth acquiring, holding, disposing of or dealing with shares in National Rail Corporation Limited when the Company engages in intra-State rail services in the State is referred to the Parliament of the Commonwealth.

(2) However, the referral under subsection (1) ceases to have effect if the Memorandum of Association of National Rail Corporation Limited (contained in Schedule 1 of the Agreement set out in the schedule to the *National Rail Corporation Agreement Act 1992* (Cwlth)) is amended so as to remove the requirement that the State must give its prior approval in writing to the company to carry on intra-State rail services in the State, or so as to remove the requirement that the prior approval of the State is required to amend or delete clause 3 or 4 of that Memorandum of Association.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor