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**By email:** unileg@parliament.wa.gov.au

Att: The Honourable Kat Doust MLC

Chair

Standing Committee on Uniform Legislation and Statutes Review Committee

Legislative Council

Parliament House

PERTH WA 6000

Dear Ms Doust

### **Submission to Inquiry into Rail Safety National Law (WA) Bill**

We refer to your letters dated 22 December 2014, inviting Aurizon Operations Limited and Australia Western Railroad Pty Ltd to provide written submissions on the impact of the *Rail Safety National Law (WA) Bill 2014 (Rail Safety (WA) Bill)* upon the sovereignty of the Parliament of Western Australia.

This submission is made by both Aurizon Operations Limited and Australia Western Railroad Pty Ltd (together, **Aurizon**).

### **Aurizon's recommendation**

In summary, Aurizon believes that neither the *Rail Safety National Law (Model Laws)* nor the mechanisms proposed in the Rail Safety (WA) Bill impact on the sovereignty of the Parliament of Western Australia.

In light of this, Aurizon believes that the Rail Safety (WA) Bill should not be adopted. Instead, the Model Laws should be adopted. This is because the Model Laws will not have any impact on the sovereignty of the Parliament of Western Australia, and there is significant benefit to Western Australia in adopting the Model Laws over the Rail Safety (WA) Bill. Further details are provided below.

### **Sovereignty concerns**

We understand that the sovereignty concerns of the Government of Western Australia arise from the mechanism adopted under the Model Laws for the making and disallowance of regulations, namely that:

- the national regulations are to be made by the Governor of South Australia and automatically adopted in each participating jurisdiction; and
- a "majority disallowance" clause means that a regulation made under the legislation may only be disallowed if a majority of participating jurisdictions vote against it.

