



## MESSAGE No. 85

Mr Speaker

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Rail Safety Bill 2009* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

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Hon Barry House  
President of the Legislative Council

Legislative Council Chamber  
Perth, 27 May 2010

*Schedule indicating the amendments made by the Legislative Council in the Rail Safety Bill 2009*

**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.

A handwritten signature in blue ink, appearing to read 'M. P. ...', is written over a faint, large, light-blue watermark of the letters 'LC'.

Clerk of the Legislative Council