

TN301*

Railways (Access) Act 1998

Railways (Access) Amendment Code 2013

Made by the Minister under sections 4 and 11(1)(a) of the Act.

1. Citation

This Code is the *Railways (Access) Amendment Code 2013*.

2. Commencement

This Code comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Code is published in the *Gazette*;

- (b) the rest of the Code — on the day on which the *Commercial Arbitration Act 2012* section 44 comes into operation.

3. Code amended

This Code amends the *Railways (Access) Code 2000*.

4. Section 23 deleted

Delete section 23.

5. Section 26 amended

In section 26(3) and (4) delete “*Commercial Arbitration Act 1985*” and insert:

Commercial Arbitration Act 2012

Note: The heading to amended section 26 is to read:

Arbitration of disputes under *Commercial Arbitration Act 2012*

6. Section 28 amended

Delete section 28(5) and insert:

- (5) Nothing in this section limits section 24B or 25 of the *Commercial Arbitration Act 2012*.

7. Section 30 amended

In section 30(1) delete “*Commercial Arbitration Act 1985*,” and insert:

Commercial Arbitration Act 2012,

8. Section 31 amended

In section 31(1) delete “*Commercial Arbitration Act 1985*.” and insert:

Commercial Arbitration Act 2012.

9. Section 34 amended

- (1) In section 34(1) and (4) delete “Part V of the *Commercial Arbitration Act 1985*,” and insert:

the *Commercial Arbitration Act 2012* Part 7,

- (2) In section 34(5) delete “section 34(1) or (4) of the *Commercial Arbitration Act 1985*,” and insert:

section 33B(1) or (7) of the *Commercial Arbitration Act 2012*,

10. Section 36A inserted

After section 35 insert:

36A. Transitional provision relating to the *Railways (Access) Amendment Code 2012*

- (1) In this section —
commencement day means the day on which the Commercial Arbitration Act 2012 section 44 comes into operation.
- (2) This section applies to a dispute to which this Division applies if, before the commencement day —
- (a) the dispute has been referred to arbitration; and
 - (b) the Regulator has appointed under section 26 one or more persons to act as arbitrators to hear and determine the dispute.
- (3) If this section applies to a dispute —
- (a) the dispute cannot be referred to arbitration, or otherwise dealt with, under the *Commercial Arbitration Act 2012*; and
 - (b) this Division continues to apply to and in relation to that dispute as if the amendments made by the *Railways (Access) Amendment Code 2012* sections 4 to 9 had not been made.

T. BUSWELL, Treasurer.
