

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The object of this Bill is to amend the Transport Administration Act 1988 as follows:

- (a) to allow the Minister for Transport to authorise, on a case by case basis and following public consultation, the closure of a disused railway line (so that a special Act of Parliament is no longer required to authorise closure),
- (b) to allow railway tracks and other works relating to a railway line to be sold or disposed of without necessitating a closure of the railway line concerned,
- (c) to allow the Minister for Transport to enter into an arrangement with the Minister for Lands for the management of a disused railway line as Crown land under the Crown Lands Act 1989, without necessitating a closure of the railway line concerned.

### Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

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#### Schedule 1 Amendment of Transport Administration

#### Act 1988 No 109

At present, section 99A of the Transport Administration Act 1988 prevents a rail infrastructure owner from closing a railway line unless authorised by an Act of Parliament. A railway line is closed if the land concerned is sold or otherwise disposed of, or the railway tracks and other works concerned are removed.

Schedule 1 [1] repeals section 99A. Section 99A is replaced by new provisions relating to closure inserted by Schedule 1 [2]. The new provisions largely restate the existing provisions of section 99A, subject to the changes that are explained below.

Schedule 1 [5] enables savings and transitional regulations to be made as a consequence of the changes.

#### Closure of railway lines on case by case basis

The new provisions allow the Minister for Transport to authorise the closure of a disused railway line on a case by case basis, following public consultation. A special Act of Parliament will no longer be required.

A disused railway line is a railway line, or a part of a railway line, declared by the Minister, by order published in the Gazette, to be a disused railway line.

The Minister may authorise the closure of a disused railway line only after giving public notice of the proposal to close the railway line. The notice must invite submissions from the public in relation to the proposal. The Minister must have regard to submissions received during the submission period in deciding whether or not to authorise the closure of the railway line concerned.

#### Sale or other disposal of railway tracks and other works (without closure)

The new provisions allow a rail infrastructure owner to sell or otherwise dispose of railway tracks and other works used in connection with a railway line. This will no longer be regarded as a closure of the railway line concerned. However, the sale or other disposal of the land concerned will continue to require the authorisation of the Minister for Transport as referred to above.

#### Management of disused railway line as Crown land (without closure)

The new provisions allow the Minister for Transport to enter into an arrangement with the Minister for Lands for the management of a disused railway line as Crown land. For the purposes of the arrangement, the Minister for Transport may direct that any assets, rights or liabilities of a rail authority, or a subsidiary of a rail authority,

relating to a disused railway line be transferred to the Lands Administration Ministerial Corporation. This type of arrangement is not a closure of the railway line. When land is transferred to the Lands Administration Ministerial Corporation under such an arrangement it becomes Crown land under the Crown Lands Act 1989. The land can be dedicated or reserved or otherwise dealt with as authorised by the Crown Explanatory note page 3

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Lands Act 1989, subject to certain restrictions. In particular, the land cannot be sold, exchanged or otherwise disposed of.

The new provisions allow the Minister to terminate an arrangement for the management of a disused railway line as Crown land if satisfied that the land concerned is required for transport purposes under the Transport Administration Act 1988. In such a case, the Minister may direct that any assets, rights or liabilities of the Crown relating to the land be transferred to a rail authority or a subsidiary of a rail authority. (Schedule 1 [3] and [4] are consequential amendments relating to this aspect of the new provisions.)