



New South Wales

# Transport Administration Amendment (Rail Trails Community Management) Bill 2014

## Explanatory note

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

## Overview of Bill

The object of this Bill amend the *Transport Administration Act 1988* to allow the Minister to enter into agreements with not-for-profit organisations or local councils for the use of disused railway lines for recreational activities.

## 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.

## Schedule 1      **Amendment of Transport Administration Act 1988 No 109**

The Schedule contains amendments to the Act to give effect to the object set out above.



New South Wales

# Transport Administration Amendment (Rail Trails Community Management) Bill 2014

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New South Wales

# Transport Administration Amendment (Rail Trails Community Management) Bill 2014

No. , 2014

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## **A Bill for**

An Act to amend the *Transport Administration Act 1988* to make provision with respect to the transfer of rail corridors to community organisations for use as recreational rail trails.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Transport Administration Amendment (Rail Trails Community Management) Act 2014</i> .	3
	4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6

<b>Schedule 1</b>	<b>Amendment of Transport Administration Act 1988 No 109</b>	1
		2
<b>[1] Section 99A Closure and disposal of railway lines</b>		3
Insert after section 99A (3):		4
(4) For the purposes of this section, a railway line is not closed merely because a rail infrastructure owner has entered into a Rail Trail agreement under this Act, or by the removal of railway tracks or other works in accordance with such an agreement.		5 6 7 8
<b>[2] Section 99AA Connections to rail infrastructure</b>		9
Insert at the end of the section:		10
(2) Subsection (1) does not apply in respect of a rail infrastructure owner who severs a connection by the removal of railway tracks or other works in accordance with a Rail Trail agreement under Division 1C.		11 12 13
<b>[3] Part 9, Division 1C</b>		14
Insert after section 99D:		15
<b>Division 1C Rail Trail agreements</b>		16
<b>99E Definitions</b>		17
In this Division:		18
<b><i>Rail Trail agreement</i></b> —see section 99G.		19
<b><i>disused railway line</i></b> means a railway line, or part of a railway line, that is declared to be a disused railway line by an order under this Division, and includes the land on which the railway line or part of a railway line is located.		20 21 22
<b>99F Disused railway lines</b>		23
(1) The Minister may, by order published in the Gazette, declare a railway line, or part of a railway line, to be a disused railway line.		24 25
(2) The Minister may make an order under subsection (1) only if the Minister is satisfied that passenger or freight services have not been regularly operated on the railway line for a period of 15 years.		26 27 28
<b>99G Rail Trail agreements</b>		29
(1) A rail infrastructure owner may, with the consent of the Minister, enter into an agreement with a not-for-profit organisation or a local council for the use of a disused railway line for recreational activities (a <b><i>Rail Trail agreement</i></b> ).		30 31 32
(2) The Minister may consent to a rail infrastructure owner entering into a Rail Trail agreement only if the Minister is satisfied that:		33 34
(a) if the agreement provides for the removal of railway tracks or other works—the agreement also provides for suitable arrangements for, or for contributions to, the restoration of the rail capacity of the railway line or part of the railway line concerned at the end of the agreement, and		35 36 37 38 39
(b) community consultation on the agreement has been carried out as required by section 99H, and		40 41

(c)	a community management plan has been prepared, in consultation with a community management committee, for the management and use of the disused railway line concerned.	1 2 3
(3)	If a rail infrastructure owner enters into a Rail Trail agreement in respect of the land on which the owner's infrastructure is located, the agreement is taken to have been entered into for and on behalf of, and is binding on, the owner of the land.	4 5 6 7
<b>99H</b>	<b>Community consultation on Rail Trail agreement</b>	8
(1)	The Minister must, as soon as practicable after receiving a request for the Minister's consent to enter into a Rail Trail agreement, give public notice of the proposed agreement.	9 10 11
(2)	The notice is to invite public submissions on the proposed Rail Trail agreement and is to specify the period (that is not less than 30 days) during which submissions may be made to the Minister concerning the proposed agreement.	12 13 14 15
(3)	The notice is to be published in a newspaper circulating in the area in which the railway line concerned is situated and on the website of the Department of Transport.	16 17 18
<b>99I</b>	<b>Minister may terminate Rail Trail agreement</b>	19
(1)	The Minister may, by notice in writing to the parties to a Rail Trail agreement, terminate the Rail Trail agreement if the Minister is satisfied that the disused railway line, or part of a disused railway line, concerned is required for public transport or freight purposes under the Act.	20 21 22 23
(2)	Compensation is not payable by or on behalf of the State because of a notice given under this clause.	24 25
(3)	The termination of a Rail Trail agreement under this section does not affect the arrangements for, or for contributions to, the restoration of the rail capacity of the railway line under the Rail Trail agreement.	26 27 28
(4)	In this section: <i>compensation</i> includes damages or any other form of monetary compensation. <i>the State</i> means the Crown within the meaning of the <i>Crown Proceedings Act 1988</i> .	29 30 31 32
<b>99J</b>	<b>Rail infrastructure owner not affected</b>	33
	A rail infrastructure owner does not, as a result of the removal of railway tracks or other works in accordance with a Rail Trail agreement, cease to be the rail infrastructure owner in respect of the disused railway line or part of the disused railway line concerned.	34 35 36 37