

LEGISLATIVE COUNCIL

Transport Administration Amendment (Rail Trails) Bill 2022

First print

Proposed amendments

No. 1 **Name of Act**

Page 2, proposed section 1, line 3. Insert “*Roads and*” before “*Rail Trails*”.

No. 2 **Using disused railway lines for rail trails only**

Page 3, Schedule 1[3], proposed section 99E, lines 17–26. Omit all words on those lines. Insert instead—

- (2) The regulations may authorise the use of subject land for a rail trail.
- (3) The regulations may, for the purposes of the use of the subject land for a rail trail, also authorise—
 - (a) the removal of railway tracks and other works from the subject land, and
 - (b) the rail infrastructure owner to enter into a lease of the subject land with a local council or joint organisation (an *authorised lease*).
- (3A) A regulation made under subsection (2) must apply to a specified rail trail project and not to rail trails generally.
- (3B) Before recommending the making of a regulation under subsection (2), the Minister must—
 - (a) carry out a cost-benefit analysis, comparing using the subject land for a rail trail with re-opening the railway line for rail services, and
 - (b) arrange for independent community consultation to be carried out, and
 - (c) make the outcome of the independent community consultation publicly available.

Drafting note 1.1 *Amendments No 2 and No 3 are alternatives.*

No. 3 **Using disused railway lines for rail trails only**

Page 3, Schedule 1[3], proposed section 99E. Insert after line 26—

- (3A) A regulation made under subsection (2)(a) must apply to a specified area of subject land for a specified project.

No. 4 **Using disused railway lines for rail trails only**

Page 3, Schedule 1[3], proposed section 99E(4), line 27. Omit “(a)(i)”.

No. 5 **Council and community support required**

Page 3, Schedule 1[3], proposed section 99E. Insert after line 33—

- (4A) A regulation may not be made under subsection (2) unless—
- (a) the council of the area in which the subject land is located agrees to the use of the subject land for a rail trail, and
 - (b) there is local community support for the use of the subject land for a rail trail, based on the outcome of the independent community consultation carried out under subsection (3B).

No. 6 **Term of leases**

Page 3, Schedule 1[3], proposed section 99E(5), line 34. Omit “30 years”. Insert instead “10 years”.

No. 7 **Subleases**

Page 3, Schedule 1[3], proposed section 99E(8). Insert after line 42—

- (a1) the circumstances in which a sublease of an authorised lease may be entered into.

No. 8 **Subleases**

Page 4, Schedule 1[3], proposed section 99E(8)(b), line 1. Insert “or sublease” after “authorised lease”.

No. 9 **Meaning of “rail trail”**

Page 4, Schedule 1[3], proposed section 99E(9). Insert after line 8—

rail trail means a track or trail on a disused railway line used mainly for walking or cycling.