



Very Fast Train (Route Investigation) Regulation 2000

under the

Very Fast Train (Route Investigation) Act 1989

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Very Fast Train (Route Investigation) Act 1989*.

MICHAEL EGAN, M.L.C.,

Minister for State Development

Explanatory note

This Regulation replaces, without any changes in substance, the *Very Fast Train (Route Investigation) Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*. The new Regulation prescribes matters relating to the giving of notice of intention to enter land, and the confirming of a person's authority to enter land, for the purposes of the *Very Fast Train (Route Investigation) Act 1989*.

This Regulation is made under the *Very Fast Train (Route Investigation) Act 1989*, including sections 13, 16 and 22 (the general regulation-making power).

This Regulation comprises or relates to matters of a machinery nature.

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Very Fast Train (Route Investigation) Regulation 2000

1 Name of Regulation

This Regulation is the *Very Fast Train (Route Investigation) Regulation 2000*.

2 Commencement

This Regulation commences on 1 September 2000.

Note. This Regulation replaces the *Very Fast Train (Route Investigation) Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act means the *Very Fast Train (Route Investigation) Act 1989*.

(2) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

4 Preliminary notice of intention to enter land

(1) For the purposes of section 13 (2) (b) of the Act, written notice of a person's intention to enter land is to be in Form 1 in Schedule 1.

(2) The notice must be served personally or by post on the owner and each occupier of the land at least 7 days before the land is first entered under the authority of the permit concerned.

(3) Service on the owner of the land may be effected by serving the notice on any person who, according to the records of the local council or any other statutory authority, is liable for a rate or other charge that is or may become a charge on the land.

(4) If, after reasonable inquiry, the land appears to be unoccupied, service on occupiers of the land may be effected by causing a copy of the notice to be displayed:

(a) on each gate providing access to the land, or

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- (b) if there is no such gate, in a prominent position on the boundary of the land nearest to a public road,

for at least 7 days before the land is first entered under the authority of the permit concerned.

- (5) In the case of land in which there are native title rights and interests but in respect of which there is no approved determination of native title (within the meaning of the *Native Title Act 1993* of the Commonwealth), the notice is to be served in accordance with section 103 of the *Native Title (New South Wales) Act 1994* at least 7 days before the land is first entered under the authority of the permit concerned.

5 Notice confirming authority to enter land

For the purposes of section 16 (2) of the Act, a notice issued by the holder of a permit and confirming the authority of a person to enter land is to be in Form 2 in Schedule 1.

Schedule 1 Forms

Form 1

(Clause 4)

PRELIMINARY NOTICE OF INTENTION TO ENTER LAND

(Very Fast Train (Route Investigation) Act 1989)

TO: The owner and each occupier of the land described in Schedule 1.

TAKE NOTICE THAT:

1.
(here insert name of permit holder)
has been granted Permit No. under the Very Fast Train (Route Investigation) Act 1989 authorising entry to that land and
.....
(here insert a description of the activities authorised by paragraph (a) or (b) of section 13 (1) of the Act as appropriate)
2. Entry to the land is subject to the conditions set out in Schedule 2.
3. You have 7 days from the service of this notice on you in which you may make mutually convenient arrangements relating to the time and manner of entry.

(In that regard, please contact)
(insert details of representative of permit holder who can be contacted)
4. A person authorised to enter by the permit is NOT authorised to enter any dwelling or adjacent outhouses or gardens.
5. The Act gives a right of compensation to each owner or occupier of land for any loss or damage suffered in the circumstances set out in section 18 of the Act.

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Schedule 1 Forms

SCHEDULE 1

LAND THAT MAY BE ENTERED

(here insert a full description)

SCHEDULE 2—FORMS

CONDITIONS OF PERMIT RELATING TO ENTRY

(here insert each relevant condition in full)

Form 2

(Clause 5)

NOTICE CONFIRMING AUTHORITY TO ENTER LAND

(Very Fast Train (Route Investigation) Act 1989)

THIS NOTICE CONFIRMS THAT
(name of authorised person)

of
(name of company or firm of surveyors, etc)

whose photograph is shown on this Notice is authorised by Permit No.
(which expires on / /) granted under the Very Fast Train (Route
Investigation) Act 1989 to enter the land described in Schedule 1, but only in
accordance with the conditions of that Permit set out in Schedule 2.

Issued by on
for
(insert name of permit holder)

ATTENTION IS ALSO DRAWN TO THE FOLLOWING:

1. The person producing this Notice is NOT authorised to enter any dwelling or adjacent outhouses or gardens.
2. The Act gives a RIGHT OF COMPENSATION to each owner or occupier of land for any loss or damage suffered in the circumstances set out in section 18 of the Act.

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Schedule 1 Forms

SCHEDULE 1

LAND THAT MAY BE ENTERED

(here insert a full description)

SCHEDULE 2

CONDITIONS OF PERMIT RELATING TO ENTRY

(here insert each relevant condition in full)

BY AUTHORITY