



New South Wales

# Roads Amendment (Private Railways) Bill 2010

## 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 *Roads Act 1993* (the *Principal Act*) to:

- (a) clarify that road work carried out under the Principal Act by the Roads and Traffic Authority (the *RTA*) may include the construction or installation of rail infrastructure on or in the vicinity of a road for the purposes of the use of the road as a road, and
- (b) clarify that if the RTA carries out road work on, over, below or in the vicinity of a private railway:
  - (i) the private railway is not to be taken to have been severed, closed or otherwise unused, and
  - (ii) any entitlement a person would have to compensation under the Principal Act or the *Land Acquisition (Just Terms Compensation) Act 1991* resulting from the carrying out of the road work in relation to the private railway continues to apply.

## 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 Roads Act 1993 No 33**

**Schedule 1 [1]** provides for the effect of road work on private railways. Specifically, it provides that:

- (a) a private railway is not taken to have been severed, closed or otherwise not used merely because the RTA carried out road work on, over, below or in the vicinity of the railway, and
- (b) any entitlement a person would have to compensation under the Principal Act or the *Land Acquisition (Just Terms Compensation) Act 1991* resulting from the carrying out of the road work in relation to the private railway continues to apply.

**Schedule 1 [2]** amends the definition of *road work* in the Dictionary at the end of the Principal Act to provide that road work includes the construction or installation of rail infrastructure on or in the vicinity of a road for the purposes of the use of the road as a road.

**Schedule 1 [3]** makes a related amendment to the definition of *road work* and provides that road work includes not only any kind of work, building or structure constructed or installed on or in the vicinity of a road for the purposes of the use of the road as a road but also any kind of work, building or structure that is relocated on or in the vicinity of the road for that purpose.

First print



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New South Wales

# Roads Amendment (Private Railways) Bill 2010

No. , 2010

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## A Bill for

An Act to amend the *Roads Act 1993* in relation to the carrying out of road works by the Roads and Traffic Authority involving private and other rail infrastructure.

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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>Roads Amendment (Private Railways) Act 2010</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent to this Act.	5

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<b>Schedule 1</b>	<b>Amendment of Roads Act 1993 No 33</b>	1
<b>[1] Part 9, Division 6</b>		2
	Insert after section 144E:	3
<b>Division 6</b>	<b>Private railways</b>	4
<b>144F</b>	<b>Effect of road work on private railway</b>	5
	(1) A private railway is not to be taken to have been severed, closed or otherwise not used merely because the RTA carries out road work on, over, below or in the vicinity of the railway.	6 7 8
	(2) If, but for subsection (1), a private railway would have been severed, closed or otherwise not used because of road work carried out by the RTA on, over, below or in the vicinity of the railway, this section does not operate to affect any entitlement a person would have to compensation under this Act or the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> .	9 10 11 12 13 14
	(3) This section has effect despite the provisions of any Private Act.	15
<b>[2] Dictionary</b>		16
	Insert “or rail infrastructure” after “service centre” in the definition of <i>road work</i> .	17 18
<b>[3] Dictionary, definition of “road work”</b>		19
	Omit “or installed”. Insert instead “, installed or relocated”.	20