

NORTHERN TERRITORY OF AUSTRALIA  
AUSTRALASIA RAILWAY (SPECIAL PROVISIONS) AMENDMENT  
ACT 2003

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Act No. 58 of 2003

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. 58 of 2003

## AN ACT

to amend the *AustralAsia Railway (Special Provisions) Act*

[Assented to 15 December 2003]  
[Second reading 15 October 2003]

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1. Short title**

This Act may be cited as the *AustralAsia Railway (Special Provisions) Amendment Act 2003*.

**2. Principal Act**

The *AustralAsia Railway (Special Provisions) Act* is in this Act referred to as the Principal Act.

**3. Easements in favour of PowerWater**

Section 14 of the Principal Act is amended –

- (a) by omitting from subsections (1), (2), (3) and (3A) "PAWA" (all references) and substituting "PowerWater"; and
- (b) by omitting subsection (4) and substituting the following:

"(4) In this section –

'PowerWater' means the Power and Water Corporation established by section 4 of the *Power and Water Corporation Act*."

**4. Access easements in favour of private landholders**

Section 14A of the Principal Act is amended –

(a) by inserting after subsection (2) the following:

"(2A) The rights and obligations of an owner or occupier in relation to an easement created by subsection (2) are to be exercised or satisfied in a manner that complies with protocols made under section 21."; and

(b) by omitting from subsection (3) "on the Register kept by the Registrar-General under" and substituting "in the land register within the meaning of".

**5. New section**

The Principal Act is amended by inserting after section 14A the following:

**"14B. Variation of easements**

"(1) An easement created by section 14A(2) may be varied by substituting another area for the area of the part of the corridor that is subject to the easement.

"(2) The easement must not be varied unless the Minister has consulted with the consortium about the variation.

"(3) For varying the easement –

(a) the Minister must lodge a survey plan on which the variation of the easement is indicated with the Registrar-General; and

(b) the Registrar-General must record the particulars of the varied interests indicated on the survey plan in the land register within the meaning of the *Land Title Act*.

"(4) The variation takes effect on the Registrar-General recording the particulars in the land register.

"(5) This section expires 12 months after the *AustralAsia Railway (Special Provisions) Amendment Act 2003* commences."

**6. New section**

The Principal Act is amended by inserting after section 20 the following:

**"21. Protocols**

"(1) The Minister and the Minister responsible for the administration of the *Northern Territory Rail Safety Act* may jointly, by notice in the *Gazette*, make

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protocols setting out procedures, requirements and other matters to facilitate rail safety in connection with the railway.

"(1A) Before making a protocol, the Ministers must consult with the consortium, and any other persons the Ministers consider have relevant interests or expertise, about the protocol.

"(2) A person must comply with a protocol.

Penalty: 50 penalty units.

"(3) If, in complying with a protocol, a person contravenes or fails to comply with the *Northern Territory Rail Safety Act* or an instrument of a legislative or administrative character made under that Act, the person is not criminally liable under that Act for the act done or omitted to be done in complying with the protocol."

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