

Transport Administration Amendment (Rail Agencies) Bill 2003

Explanatory note

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

Overview of Bill

The objects of this Bill are as follows:

- (a) to constitute Rail Corporation New South Wales (**RailCorp**), a statutory State owned corporation, and to confer on it the rail passenger functions and other transport-related functions of the State Rail Authority (the **SRA**),
- (b) to vest State rail infrastructure facilities situated within the metropolitan rail area in RailCorp instead of Rail Infrastructure Corporation (**RIC**) (which currently owns all State rail infrastructure facilities), leaving RIC with ownership of those facilities within the country rail area,
- (c) to constitute Transport Infrastructure Development Corporation (**TIDC**), a statutory State owned Corporation, and to confer on it functions relating to the development of major railway and other major transport projects,
- (d) to provide for the continuation of the State Rail Authority to exercise functions relating to its residual assets, rights and liabilities and for the dissolution of the Authority at a later time,
- (e) to provide for the dissolution of RIC at a later time,
- (f) to make consequential amendments and provision of a savings and transitional nature consequent on the proposed Act.

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 a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the *Transport Administration Act 1988* set out in Schedules 1 and 2.

Clause 4 is a formal provision that gives effect to the amendments to the Acts and instruments specified in Schedule 3 as set out in that Schedule.

Schedule 1 Amendment of Transport Administration Act 1988

Schedule 1 [8] omits Part 2 which establishes the SRA and inserts proposed Parts 2 and 2A, which establish RailCorp and TIDC and contain the following provisions:

Part 2 Rail Corporation New South Wales

Division 1 Constitution of RailCorp as statutory SOC

Proposed section 4 establishes RailCorp as a statutory State owned corporation under the *State Owned Corporations Act 1989* (the **SOC Act**). As a result, the provisions of that Act relating to functions, constitutions and other matters relating to such corporations will, except as provided by the proposed Part, apply to RailCorp.

Division 2 Objectives of RailCorp

Proposed section 5 confers on RailCorp its principal objectives of delivering safe and reliable railway passenger services in New South Wales in an efficient, effective and financially responsible manner and of ensuring that the part of the NSW rail network vested in or owned by it enables safe and reliable passenger and freight services to be provided in an efficient, effective and financially responsible manner. Other objectives, including maintaining reasonable priority and certainty of access for railway passenger services and promoting and facilitating access to the part of the NSW rail network vested in or owned by

RailCorp, are also conferred on RailCorp.

Division 3 Functions of RailCorp

Proposed section 6 confers on RailCorp the function of operating railway passenger services, including services previously operated by the SRA.

Proposed section 7 requires RailCorp to hold, manage, maintain and establish rail infrastructure facilities vested in or owned by RailCorp. Previously RIC had this function for all rail infrastructure facilities in this State.

Proposed section 8 requires RailCorp to provide persons with access to the part of the NSW rail network vested in or owned by RailCorp under any current NSW rail access undertaking.

Proposed section 9 enables RailCorp to operate other transport services, including bus services, whether or not in connection with its railway services.

Proposed section 10 confers other functions on RailCorp, including providing goods, services and facilities to the rail industry and providing facilities and services that are ancillary to or incidental to its principal functions.

Proposed section 11 confers on RailCorp power to acquire land by agreement or by compulsory process under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Proposed section 12 makes it clear that the proposed Division does not limit the other functions of RailCorp, but is subject to the SOC Act, the proposed Act and any other Act or law.

Division 4 Management of RailCorp

Proposed section 13 provides for the appointment of a board of directors of RailCorp by the Treasurer and a Minister nominated as a voting shareholder under the SOC Act (the **voting shareholders**). The voting shareholders are to consult with the portfolio Minister (currently the Minister for Transport Services). The board is to have not fewer than 3 and not more than 7 directors, of whom one is to be the person holding the office of chief executive officer of RailCorp and one is to be an employee representative. The others must have expertise necessary in order to realise RailCorp's objectives (including engineering and rail safety expertise).

Proposed section 14 provides for the chief executive officer of RailCorp to be appointed by the board of RailCorp after consultation with the voting shareholders and the portfolio Minister.

Proposed section 15 enables the board to appoint an acting chief executive officer to act during the illness or absence of the chief executive officer of RailCorp.

Proposed section 16 enables the Minister to give a direction to the board of RailCorp if the Minister decides it is warranted on grounds involving urgency or public safety. The Minister must consult with the Treasurer if the Minister considers that compliance with the direction may cause a significant variation in the approved financial outcomes of RailCorp. This power is to be in addition to the Minister's powers to give directions under the SOC Act.

Division 5 General

Proposed section 17 makes the proposed Part the foundation charter of RailCorp for the purposes of provisions of the SOC Act relating to the legal capacity of statutory State owned corporations and assumptions that they have complied with their foundation charter.

Proposed section 17A prohibits the portfolio Minister from being a shareholder of RailCorp and limits the sale of shares in RailCorp to eligible Ministers under the SOC Act.

Proposed section 17B removes the obligation of RailCorp to have a share dividend scheme as required by the SOC Act and enables the Treasurer to suspend the obligation of RailCorp to pay tax-equivalents under the SOC Act.

Proposed section 17C requires the board of RailCorp to prepare an annual statement of corporate intent. The board must consult with the portfolio Minister about its annual statement of corporate intent (in addition to consulting with the voting shareholders). The statement of corporate intent must include rail performance benchmarks agreed by the board and the portfolio Minister. They may be modified by the board with the agreement of the portfolio Minister after consultation with the Independent Transport Safety and Reliability Regulator. The board may modify the statement (other than the rail performance benchmarks) with the agreement of the voting shareholders and may be directed by them to amend the statement (other than the rail performance benchmarks). Proposed section 17D provides that fines and penalties for certain rail-related offences are to be paid to RailCorp.

Proposed section 17E exempts RailCorp from liability for State taxes in the first 12 months after the commencement of the proposed section and enables regulations to be made with respect to further exemptions after that period.

Proposed section 17F enables regulations to be made conferring on staff the right of appeal to a Transport Appeal Board under the *Transport Appeal Boards Act 1980*.

Part 2A Transport Infrastructure Development Corporation

Division 1 Interpretation

Proposed section 18 defines words and expressions used in the proposed Part.

Division 2 Constitution of Transport Infrastructure Development Corporation as statutory SOC

Proposed section 18A establishes TIDC as a statutory State owned corporation under the SOC Act. As a result, the provisions of that Act relating to functions, constitutions and other matters relating to such corporations will, except as provided by the proposed Part, apply to TIDC.

Division 3 Objectives of Transport Infrastructure Development Corporation

Proposed section 18B confers on TIDC its principal objectives of developing major railway systems and other major transport projects in an efficient, effective and financially responsible manner. Other objectives, including being a successful business and exhibiting a sense of social responsibility by having regard to the interests of the community in which it operates, are also conferred on TIDC.

Division 4 Functions of Transport Infrastructure Development Corporation

Proposed section 18C confers on TIDC the function of developing major railway systems and other major transport projects, including facilitating their development by other persons.

Proposed section 18D confers other functions on TIDC, including holding, managing, maintaining and establishing assets associated with systems it develops or proposes to develop and providing goods and services to the rail industry.

Proposed section 18E prohibits TIDC from undertaking the development of a major railway or other major transport project without the consent of the portfolio Minister and the voting shareholders. TIDC must undertake the development of an existing partially completed major railway system or other major transport project if directed to do so by the Minister with the concurrence of the Treasurer.

Proposed section 18F confers on TIDC power to acquire land by agreement or by compulsory process under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Proposed section 18G makes it clear that the proposed Division does not limit

the other functions of TIDC, but is subject to the SOC Act, the proposed Act and any other Act or law.

Division 5 Management of Transport Infrastructure Development Corporation

Proposed section 18H provides for the appointment of a board of directors of TIDC by the voting shareholders. The voting shareholders are to consult with the portfolio Minister. The board is to have not fewer than 3 and not more than 7 directors, of whom one is to be the person holding office as the chief executive officer of RailCorp and one of whom is to be the person holding office as the chief executive officer of TIDC. The others must have expertise necessary to realise TIDC's objectives (including engineering and rail safety expertise).

Proposed section 18I provides for the chief executive officer of TIDC to be appointed by the board.

Proposed section 18J enables the board to appoint an acting chief executive officer to act during the illness or absence of the chief executive officer of TIDC.

Division 6 General

Proposed section 18K makes the proposed Part the foundation charter of TIDC for the purposes of provisions of the SOC Act relating to the legal capacity of statutory State owned corporations and assumptions that they have complied with their foundation charter.

Proposed section 18L prohibits the portfolio Minister from being a shareholder of TIDC and limits the sale of shares in the Corporation to eligible Ministers under the SOC Act.

Proposed section 18M removes the obligation of TIDC to have a share dividend scheme as required by the SOC Act and enables the Treasurer to suspend the obligation of TIDC to pay tax-equivalents under the SOC Act.

Proposed section 18N requires the board of TIDC to prepare an annual statement of corporate intent. The board must consult with the portfolio Minister about its annual statement of corporate intent (in addition to consulting with the voting shareholders). The statement of corporate intent must include development performance benchmarks agreed by the board and the portfolio Minister. They may be modified by the board with the agreement of the portfolio Minister after consultation with the Independent Transport Safety and Reliability Regulator. The board may modify the statement (other than the development performance benchmarks) with the agreement of the voting shareholders and may be directed by them to amend the statement (other than the development performance benchmarks).

Proposed section 18O exempts TIDC from liability for State taxes in respect of any matter or thing certified by the portfolio Minister, with the approval of the Treasurer, as having been done for the purpose of or a purpose connected with or arising out of the principal functions of TIDC.

Schedule 1 [1], [3], [6], [9], [10], [21], [48] and [56] make amendments consequential on the amendment made by **Schedule 1 [8]**.

Schedule 1 [2] defines words and expressions used in provisions inserted or amended by the proposed Act.

Schedule 1 [4], [23], [25]–[29] and [31]–[33] omit references to Rail Corporations, and make other consequential amendments, as this term will no longer be used in the Principal Act, and provisions that formerly applied to rail corporations will apply only to RIC (other corporations that were formerly referred to as Rail Corporations have been dissolved).

Schedule 1 [5] and [12] make amendments consequential on the change of terminology from "RIC access undertaking" to "NSW rail access undertaking" as a result of the vesting of rail infrastructure facilities in more than one body by the proposed Act and the consequent sharing of functions relating to access to

them in this State.

Schedule 1 [7] defines the metropolitan rail area and provides for its amendment.

Schedule 1 [11] limits the principal objectives of RIC to ensure that the NSW rail network enables safe and reliable passenger and freight services to the part of the NSW rail network vested in or owned by RIC.

Schedule 1 [13] limits the functions of RIC to provide access to the NSW rail network to the part of the NSW rail network vested in or owned by RIC.

Schedule 1 [15], [16] and [18]–[20] omit provisions relating to rail infrastructure facilities, rail access and network control that currently apply to RIC but will now apply to RailCorp and other rail infrastructure owners and are to be re-enacted in proposed Divisions 1A and 1B of Part 9. **Schedule 1 [14]** makes a consequential amendment.

Schedule 1 [17] limits the obligation of RIC to report annually about the capacity of the NSW rail network to the part vested in or owned by RIC.

Schedule 1 [22] omits provisions relating to the transfer of assets, rights and liabilities from the SRA. Provisions relating generally to such transfers are included in proposed Division 1A of Part 9.

Schedule 1 [24] omits provisions relating to the transfer of staff from the SRA. A provision relating generally to such transfers is included in proposed Division 1A of Part 9.

Schedule 1 [30] enables the chief executive officer of RIC to delegate functions to a person of a class approved by the board of RIC.

Schedule 1 [34] provides that RIC is not required to have a share dividend scheme after 1 July 2004.

Schedule 1 [35] requires RailCorp to consult with the Director-General of the Ministry of Transport on a regular basis in connection with the provision of passenger services and before making any major changes, or initiating any major action, affecting passenger services. **Schedule 1 [36]** makes a consequential amendment.

Schedule 1 [37] enables the Independent Transport Safety and Reliability Regulator to monitor, audit and carry out other functions in relation to RailCorp.

Schedule 1 [38]–[40], [51], [53] and [54] omit provisions relating to the SRA. Provisions relating to the SRA, in so far as they are applicable to its reduced functions as a result of the constitution of RailCorp by the proposed Act, are to be re-enacted in proposed Schedule 8 to the Principal Act.

Schedule 1 [42] includes RailCorp as an Authority for the purposes of provisions regulating the fixing of train fares and other charges.

Schedule 1 [43] enables RailCorp to fix charges (including train fares) by order made by RailCorp. **Schedule 1 [41], [44] and [45]** make consequential amendments.

Schedule 1 [46] and [47] apply to RailCorp requirements for notifying the Minister of changes to charges for passenger services, and to have regard to pricing policies approved by the Minister.

Schedule 1 [49] enables RailCorp to issue free travel passes and concessional travel passes.

Schedule 1 [50] omits Division 1 of Part 9 and inserts proposed Divisions 1, 1A, 1B and 1C. The proposed Divisions re-enact provisions in the Principal Act that currently apply only to SRA or RIC and applies them to the new bodies constituted by the proposed Act and RIC according to the functions conferred on them by the proposed Act. Some new provisions are also inserted. The proposed Divisions contain the following provisions:

Division 1 Definitions

Proposed section 89 defines *rail authority* (meaning RailCorp, RIC, TIDC or

any other person or body prescribed by the regulations) and **State rail operator** (meaning RailCorp or any other person or body prescribed by the regulations) for the purposes of the new Divisions.

Division 1A Miscellaneous provisions relating to rail authorities

Proposed section 90 provides that a State rail operator is not a common carrier but does not prevent any such operator from accepting the risk and liability of a common carrier under a contract or arrangement for the carriage of passengers or freight.

Proposed section 91 enables regulations to be made with respect to the railway and other transport services operated by a State rail operator.

Proposed section 92 limits the sum that may be recovered from a rail authority in an action for damages or compensation in respect of loss of or damage or injury to property caused by fire to \$50,000 or such other amount as may be prescribed by the regulations.

Proposed section 93 confers on authorised officers powers relating to vehicles or persons on land vested in or under the control of a State rail operator and that is used for the receipt, dispatch or delivery of any luggage or freight, including power to stop and search, to require freight documents to be produced and to seize items that the officer reasonably suspects may be stolen. It will be an offence to obstruct or hinder an authorised officer or not to comply with a reasonable requirement made by an authorised officer.

Proposed section 94 is a new provision that enables the Minister, by order in writing, to transfer rights, assets and liabilities of a rail authority (including the SRA and the Transport Administration Corporation) to another rail authority, a subsidiary of a rail authority, a State owned corporation, the Crown or any other person or body acting on behalf of the Crown. It replaces other provisions that referred to specific authorities. Schedule 4 of the Principal Act contains savings and transitional and other provisions applying to such a transfer.

Proposed section 95 is a new provision that gives effect to Schedule 6. The effect of this is to enable the Minister, by order in writing, to transfer staff from one transport authority to another transport authority.

Proposed section 96 makes it clear that a person may be a member of the board of one or more rail authorities or the chief executive officer of one or more rail authorities.

Division 1B Miscellaneous provisions relating to rail infrastructure, rail access and network control

Proposed section 97 enables the Minister, by order in writing, to direct that specified facilities are to be treated as rail infrastructure facilities.

Proposed section 98 is a formal provision that gives effect to Schedules containing provisions relating to the rights and obligations of owners of rail infrastructure facilities, rail operators and other persons with respect to rail infrastructure facilities.

Proposed section 99 makes it clear that a rail infrastructure owner is not required to maintain a railway line on which no services are operated.

Proposed section 99A prohibits a rail infrastructure owner from closing a railway line unless authorised by an Act of Parliament.

Proposed section 99B contains requirements relating to any closure of a levelcrossing, bridge or other structure for crossing or passing over or under any railway track by a rail infrastructure owner.

Proposed section 99C enables rail infrastructure owners to give written undertakings to the Australian Competition and Consumer Commission in connection with access to that part of the NSW rail network vested in or owned by them. It also requires rail authorities to act in accordance with the current NSW rail access undertaking and gives effect to provisions relating to rail access

undertakings contained in Schedule 6AA to the Principal Act.

Proposed section 99D makes a rail infrastructure owner responsible for network control (that is, service planning and control of rolling stock movements) with respect to the part of the NSW rail network vested in or owned by the owner. The Minister may, by order published in the Gazette, designate another rail operator as the body responsible for network control for the whole network or a specified part of it.

Division 1C Delegation by Minister

Proposed section 99E enables the Minister to delegate functions to the Chief Executive of the State Transit Authority or the chief executive officer of a rail authority.

Schedule 1 [52] applies provisions applying to the RTA and the STA and relating to resolution of disputes between transport authorities, validating the exercise of functions in contravention of a Ministerial direction and enabling unpaid fees and charges to be recovered as debts, to RailCorp and TIDC.

Schedule 1 [55] applies provisions relating to the liability of the owner of a vehicle for a parking offence to offences committed on RailCorp land instead of SRA land and also extends the provisions to TIDC land.

Schedule 1 [57] is a formal provision that gives effect to proposed Schedule 8 to the Principal Act which contains provisions relating to the SRA.

Schedule 1 [58]–[65] remove references to the State Rail Authority Board in provisions relating to the constitution of the Boards of Authorities under the Principal Act.

Schedule 1 [66] removes a reference to the Chief Executive of the SRA in a provision relating to the Chief Executives of Authorities under the Principal Act.

Schedule 1 [67] makes an amendment consequential on proposed section 94, inserted by **Schedule 1 [50]**.

Schedule 1 [68] omits unnecessary definitions.

Schedule 1 [70] applies the provisions of Schedule 4 of the Principal Act to an order transferring assets, rights and liabilities under proposed section 94. The effect of this is to vest those assets, rights and liabilities in the transferee and to apply savings and transitional provisions in respect of the transfer. **Schedule 1 [69] and [71]** make consequential amendments.

Schedule 1 [79] enables the Minister, by order in writing, to transfer SRA and RIC staff to RailCorp and TIDC or to transfer Railcorp or TIDC staff to the SRA or RIC. **Schedule 1 [72]–[78]** make consequential amendments.

Schedule 1 [80] enables service with the previous rail employer by transferred staff to be counted as service (for purposes including the accrual of leave) with the new employer.

Schedule 1 [81] continues rights to extended leave of former SRA staff who are transferred to RailCorp or TIDC.

Schedule 1 [82] prevents a person who is transferred from having any claim to any payment or benefit because of the transfer or any claim to dual benefits.

Schedule 1 [83] enables former SRA or RIC employees transferred to RailCorp or TIDC to apply for SRA or RIC positions limited to internal applicants.

Schedule 1 [84] removes the requirement for a transport authority to comply with the *Privacy and Personal Information Protection Act 1998* in respect of the disclosure of information about transferred employees to their new employer or proposed employer.

Schedule 1 [85] omits a reference to RIC in provisions that formerly applied to RIC as the only rail infrastructure owner in the State but will now apply to all rail infrastructure owners in the State.

Schedule 1 [86] inserts definitions.

Schedule 1 [87] vests the rail infrastructure facilities in the metropolitan rail

area, currently held by RIC, in RailCorp. Rail infrastructure facilities in the country rail area will continue to be vested in RIC. The vesting of both is subject to any interest of TIDC. Each rail infrastructure owner will have power to sell or otherwise deal with its rail infrastructure facilities. Each rail infrastructure owner will have power to inspect, operate, repair, replace, maintain, remove, extend, expand, alter, connect, disconnect, improve or do other necessary things with respect to rail infrastructure facilities situated on land of a railway operator.

Schedule 1 [88]–[98] extend provisions conferring powers of entry on to land on RIC to all rail infrastructure owners.

Schedule 1 [99] and [100] extend provisions relating to the issue of certificates of authority for the purpose of exercising powers to officers or employees of all rail infrastructure owners.

Schedule 1 [101]–[103] extend provisions conferring the right to access to rail infrastructure facilities on land of all rail operators affected by the agreement.

Schedule 1 [104]–[109] extend requirements for the exercise of powers of entry on to land to all rail infrastructure owners.

Schedule 1 [110]–[123] extend the obligation to compensate for damage caused by the exercise of powers relating to rail infrastructure facilities to all rail infrastructure owners.

Schedule 1 [124]–[139] extend the covenant with respect to not damaging or interfering with rail infrastructure facilities and requirements relating to obstruction and notification of any proposed work or sale or disposal of land on which facilities are situated to all rail infrastructure owners. The amendments also extend to all rail infrastructure owners rights with respect to the removal of structures or works that may interfere with or threaten the operation of rail infrastructure facilities.

Schedule 1 [140]–[143] extend the right to compensation for damage or interference with rail infrastructure facilities to all rail infrastructure owners.

Schedule 1 [144]–[152] extend rights under previous agreements relating to works or facilities situated on land of rail operators to all rail infrastructure owners.

Schedule 1 [153]–[159] extend the requirement for a person who proposes to connect railway track to the NSW rail network to obtain consent from RIC to a requirement to obtain consent from the rail infrastructure owner concerned.

Schedule 1 [160]–[166] extend provisions enabling the Minister to settle disputes to all disputes between rail operators and rail infrastructure owners.

Schedule 1 [167] and [168] extend exemptions from requirements to obtain council approval for certain works to all rail infrastructure owners.

Schedule 1 [169]–[172] enable regulations to be made in relation to obligations of rail infrastructure owners and rail operators to enter memorandums of understanding concerning the management of certain land and the use of rail infrastructure facilities.

Schedule 1 [173] enables a rail operator or rail infrastructure owner to refuse entry to land to an officer of a public or local authority (other than a police officer or an officer of the Independent Transport Safety and Reliability Regulator) who is authorised to enter under another Act or law if the operator or owner is of the opinion that refusal is necessary in the interests of public safety or the safety of the officer or other persons. The Director-General may direct that entry be granted despite the refusal.

Schedule 1 [174]–[180] extend provisions applying to the preparation of, and requirements for, access undertakings to all rail infrastructure owners. Currently they apply only to RIC.

Schedule 1 [181] and [182] apply provisions relating to underground rail facilities to RailCorp and TIDC, in place of the SRA.

Schedule 1 [183] enables savings and transitional regulations to be made as a consequence of the proposed Act.

Schedule 1 [184] inserts savings and transitional provisions consequential on the enactment of the proposed Act.

Schedule 1 [185] inserts proposed Schedule 8 relating to the SRA. The proposed Schedule contains the following Parts:

Part 1 Constitution and functions of State Rail Authority

The proposed Part (proposed clauses 1–4) continues the SRA and re-enacts provisions setting out its objectives and functions. The objectives of the SRA include managing its assets, rights and liabilities effectively and responsibly. Its functions include facilitating the transfer of its staff, assets, rights and liabilities to RailCorp, RIC and other rail authorities. Its current power to sell, lease or otherwise dispose of land is re-enacted.

Part 2 Management of State Rail Authority

The proposed Part (proposed clauses 5–12) re-enacts provisions relating to the management and staff of the SRA, with certain changes. There will be no provision for a Board of the SRA. The current Board of the SRA is to continue to hold office for 6 months. The SRA will be managed and controlled by the Chief Executive who is to be the Chief Executive of the SRA immediately before the provision commences. The SRA will be subject to Ministerial direction and control. The SRA may delegate its functions and employ staff. The employment of current staff (subject to any transfers) is continued, as are the current regulations relating to employment of SRA staff.

Part 3 Financial provisions

The proposed Part (proposed clauses 13–17) re-enacts financial provisions currently applying to the SRA and continues the State Rail Authority Fund. It also applies provisions relating to the SRA's financial duties and its financial year.

Part 4 Miscellaneous

The proposed Part (proposed clauses 18–23) contains miscellaneous provisions. It applies provisions applying to Authorities generally under the Principal Act to the SRA. The proposed Part also provides for the SRA to be dissolved on a day appointed by Proclamation by the Governor published in the Gazette. On dissolution, the assets, rights and liabilities of the SRA vest in the Crown but may be transferred under the Principal Act. Staff of the SRA may also be transferred. Savings and transitional provisions relating to the Chief Executive, references to the SRA and previous transfers of assets, rights and liabilities are also contained in the proposed Part.

Schedule 2 Amendments relating to dissolution of RIC

Schedule 2 [1], [2], [3], [8], [10] and [13] omit provisions relating to RIC.

Schedule 2 [4], [5], [8] and [13] omit references to RIC.

Schedule 2 [6] is a formal provision giving effect to proposed Schedule 9.

Schedule 2 [10] and [11] remove provisions relating to rail infrastructure facilities vested in or owned by RIC.

Schedule 2 [14] inserts proposed Schedule 9 relating to the dissolution of RIC.

The proposed Schedule dissolves RIC and its subsidiaries and vests the assets, rights and liabilities of RIC (other than rail infrastructure facilities) in the Crown.

The assets, rights and liabilities may be transferred under the Principal Act with the consent of the Treasurer. Staff of RIC may also be transferred. Savings and transitional provisions relating to the Chief Executive, references to RIC, previous transfers of assets, rights and liabilities, development applications and other matters are also contained in the proposed Schedule. The proposed Schedule also vests RIC'S rail infrastructure facilities in RailCorp and makes provision of a savings and transitional nature in relation to the vesting of RIC'S

rail infrastructure facilities in RailCorp and rail access agreements previously entered into by RIC.

Schedule 3 Amendment of other Acts and instruments

Schedule 3.1 amends the *Conveyancing (General) Regulation 2003* to apply provisions relating to easements in gross and the imposition of restrictions and covenants on land by public authorities to RailCorp and TIDC.

Schedule 3.2 amends the *Conveyancing (Sale of Land) Regulation 2000* to replace a reference to the SRA in provisions referring to adverse proposals by statutory authorities with references to RailCorp, TIDC and RIC.

Schedule 3.3 amends the *Electricity Supply Act 1995* to enable regulations under that Act to be made exempting RailCorp, TIDC and RIC from certain provisions under that Act.

Schedule 3.4 amends the *First State Superannuation Act 1992* to make RailCorp and TIDC employers for the purposes of the superannuation scheme under that Act.

Schedule 3.5 amends the *Government Telecommunications Act 1991* to replace a reference to the Minister responsible for the State Rail Authority (for the purposes of nominating a Board member) with a reference to the Minister responsible for RailCorp.

Schedule 3.6 amends the *Impounding Act 1993* to include RailCorp (instead of the SRA) as an impounding authority under that Act and to make another consequential amendment.

Schedule 3.7 amends the *Independent Pricing and Regulatory Tribunal Act 1992* to include RailCorp (instead of the SRA) as an agency for which the Independent Pricing and Regulatory Tribunal has a standing reference in relation to prices and other matters.

Schedule 3.8 amends the *Liquor Act 1982* to exclude that Act from applying to the sale of liquor on trains under the control of RailCorp and to replace a reference to the SRA with a reference to RailCorp.

Schedule 3.9 amends the *Local Government Act 1993* to extend the rate exemption for rail infrastructure facilities owned by RIC to those owned by RailCorp and TIDC, to include RailCorp and TIDC as public bodies entitled to rate rebates and to apply dispute resolution provisions to RailCorp.

Schedule 3.10 amends the *Passenger Transport Act 1990* to replace a reference to passenger services operated by the SRA with a reference to RailCorp.

Schedule 3.11 amends the *Pipelines Act 1967* to make RailCorp and TIDC statutory bodies representing the Crown for the purposes of that Act.

Schedule 3.12 amends the *Public Finance and Audit Regulation 2000* to enable an officer of RailCorp or TIDC to commit and incur expenditure and to authorise payments of accounts for the Corporation concerned.

Schedule 3.13 amends the *Railway Construction (East Hills to Campbelltown) Act 1983* to make RailCorp (instead of the SRA) the Authority responsible under that Act for carrying out works under that Act.

Schedule 3.14 amends the *Railway Construction (Maldon to Port Kembla) Act 1983* to make RailCorp (instead of the SRA) the Authority responsible under that Act for carrying out works under that Act.

Schedule 3.15 amends the *Roads Act 1993* to extend the prohibition on road authorities carrying out drainage works on rail infrastructure facilities to those owned by RailCorp and TIDC as well as those owned by RIC. It also re-enacts a provision so as to confer on RailCorp (instead of RIC) the obligation to pay amounts to the RTA for the movement of rolling stock on and across the Sydney Harbour Bridge.

Schedule 3.16 amends the *Rural Fires Act 1997* to apply provisions relating to land vested in or under the control of public authorities to RailCorp and TIDC,

in addition to RIC.

Schedule 3.17 amends the *Security Industry Regulation 1998* to exempt RailCorp transit security officers from the *Security Industry Act 1997*.

Schedule 3.18 amends the *State Authorities Non-contributory Superannuation Act 1987* to make RailCorp and TIDC employers for the purposes of the superannuation scheme under that Act.

Schedule 3.19 amends the *State Authorities Superannuation Act 1987* to make RailCorp and TIDC employers for the purposes of the superannuation scheme under that Act.

Schedule 3.20 amends the *State Development and Industries Assistance Act 1966* to include RailCorp as a body to which subsidies may be granted under that Act.

Schedule 3.21 amends the *Superannuation Act 1916* to make RailCorp and TIDC employers for the purposes of the superannuation scheme under that Act.

Schedule 3.22 amends the *Transport Appeal Boards Act 1980* as a consequence of amendments enabling the conferral of appeal rights on officers of RailCorp.

Schedule 3.23 amends the *Water Act 1912* to extend provisions enabling licences to be granted for more than 10 years to RailCorp (instead of the SRA).

Schedule 3.24 amends the *Water (Part 2—General) Regulation 1997* to extend certain provisions relating to public authorities to RailCorp (instead of the SRA).

Schedule 3.25 amends the *Water (Part 5—Bore Licences) Regulation 1995* to extend certain provisions relating to public authorities to RailCorp (instead of the SRA).