

[STATE ARMS]

New South Wales

# Olympic Roads and Transport Authority Bill 1998

## Explanatory note

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

## Overview of Bill

The objects of this Bill are to constitute the Olympic Roads and Transport Authority (the *Authority*) and to confer functions on the Authority. The principal function of the Authority is to plan, co-ordinate and provide integrated road and transport services for special events. A *special event* is defined in the proposed Act as the Sydney Olympic Games, the Sydney Paralympic Games, the Royal Easter Show or a test event (which is an event declared by the Premier to be a test event).

The Bill also contains a provision dissolving the Authority on 15 September 2001.

## Outline of provisions

### Part 1 Preliminary

**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** defines certain words and expressions used in the proposed Act. *Government agency* is defined as not including the Sydney Organising Committee for the Olympic Games (*SOCOG*) or the Police Service. *Road and transport services* is defined as including the control and management of the road network and of traffic and the provision of parking.

**Clause 4** declares that nothing in the proposed Act affects the lawful exercise of powers by a police officer or empowers the Authority to direct that members, facilities or other resources of the Police Service be used to enable the Authority to exercise the Authority's functions.

**Clause 5** provides that notes in the proposed Act do not form part of the proposed Act.

## **Part 2 Constitution of Olympic Roads and Transport Authority**

**Clause 6** constitutes the Authority as a body corporate.

**Clause 7** declares that the Authority is, for the purposes of any Act, a statutory body representing the Crown.

## **Part 3 Functions of Olympic Roads and Transport Authority**

### **Division 1 Principal function**

**Clause 8** provides that the Authority has the principal function of planning, co-ordinating and providing integrated road and transport services for special events.

### **Division 2 Other functions**

**Clause 9** requires the Authority, together with government agencies and the Police Service, to review New South Wales legislation to identify any amendments required to ensure the provision of integrated road and transport services for special events.

**Clause 10** confers ancillary functions on the Authority, such as appointing agents to act for the Authority.

### **Division 3 Miscellaneous**

**Clause 11** authorises the delegation of the functions of the Authority to authorised persons.

## **Part 4 Management of Olympic Roads and Transport Authority**

### **Division 1 Management of Authority**

**Clause 12** provides for Ministerial control of the Authority.

**Clause 13** provides for the appointment of a Chief Executive Officer of the Authority.

**Clause 14** provides for the affairs of the Authority to be managed and controlled by the Chief Executive Officer.

**Clause 15** provides for the appointment of an acting Chief Executive Officer.

### **Division 2 Board of Authority**

**Clause 16** establishes the Board of the Authority, which is to be an advisory board. The members of the Board are to be the Director-General of the Olympic Co-ordination Authority (who is to be Chairperson), the Chief Executive Officer of SOCOG, the Chief Executive Officer of the Authority, the Director-General of the Department of Transport, the Chief Executive of the Roads and Traffic Authority and a member of the Police Service of or above the rank of Superintendent nominated by the Minister for Police.

**Clause 17** provides for the functions of the Board which include assisting the Chief Executive Officer in planning, co-ordinating and providing integrated road and transport services for special events.

### **Division 3 Staff of Authority**

**Clause 18** authorises the Authority to employ staff. Staff are not employed under the *Public Sector Management Act 1988*.

**Clause 19** authorises the Authority to fix the salary, wages and conditions of employment of its staff (subject to any other Act or law).

**Clause 20** authorises regulations to be made with respect to the employment of the staff of the Authority.

### **Division 4 General provisions**

**Clause 21** authorises the Authority to arrange for the use of the staff and facilities of other government agencies.

**Clause 22** enables the Authority to engage consultants and contractors.

## **Part 5 Transport areas**

**Clause 23** empowers the Minister, by order (a *transport area order*), to declare an area to be a transport area.

**Clause 24** provides for the Authority's powers in respect of a transport area. The Authority may direct a government agency to exercise in a particular way certain functions that the government agency has in a transport area (for example, any function of the government agency relating to the provision of transport or the regulation or movement of traffic). A government agency is to comply, as far as is reasonably possible, with any such direction.

**Clause 25** provides for the duration of transport area orders.

### **Part 6 Obligations of transport authorities**

**Clause 26** imposes obligations on transport authorities in respect of special events, including the obligation to co-operate with the Authority in the exercise of the Authority's functions and to provide resources and assistance in accordance with any request of the Authority authorised by or under the proposed Act.

### **Part 7 Service level agreements**

**Clause 27** authorises the Authority to enter into agreements (*service level agreements*) with transport authorities that set out the obligations of the parties with respect to the provision of integrated road and transport services for special events.

**Clause 28** provides for the content of service level agreements.

### **Part 8 Dispute resolution**

**Clause 29** provides for the resolution of disputes between the Authority and government agencies concerning the operation of a provision of the proposed Act, including a review by the responsible Ministers and ultimately referral to the Premier.

**Clause 30** provides for the resolution by the Authority of disputes between two or more transport authorities concerning the operation of a provision of the proposed Act.

### **Part 9 Miscellaneous**

**Clause 31** enables the Premier to declare an event to be a test event. (The Authority has functions relating to the provision of integrated road and transport services for a test event.)

**Clause 32** provides that things done or omitted to be done by the Authority, or any person authorised by the Authority, in the exercise of its functions under the proposed Act within a transport area do not constitute a nuisance.

**Clause 33** authorises certain government agencies to exercise their functions in order to comply with a request, direction or decision of the Authority made or given under the proposed Act and to enter into agreements with the Authority for the purposes of the proposed Act.

**Clause 34** contains secrecy provisions relating to information obtained by persons in connection with the administration or execution of the proposed Act, including offences relating to the misuse of that information for financial gain.

**Clause 35** protects certain persons from personal liability for acts done or omitted in good faith for the purpose of executing the proposed Act or any other Act.

**Clause 36** provides for the financial year of the Authority.

**Clause 37** provides for the investment powers of the Authority.

**Clause 38** provides for the service of documents on the Authority.

**Clause 39** provides for the custody and use of the seal of the Authority.

**Clause 40** provides for the recovery of debts by the Authority.

**Clause 41** states that proceedings for offences under the proposed Act are to be taken before a Local Court constituted by a Magistrate sitting alone.

**Clause 42** provides that a director of a corporation or person concerned in the management of the corporation is taken to be liable for a contravention of the proposed Act or regulations by the corporation if the person authorised or permitted the contravention concerned. This does not affect the liability of the corporation for the contravention.

**Clause 43** provides that the proposed Act binds the Crown.

**Clause 44** is a general regulation-making power.

**Clause 45** authorises certain activities undertaken under the proposed Act for the purposes of section

51 of the *Trade Practices Act 1974* of the Commonwealth and of the *Competition Code*. Section 51 of that Act and of that Code empowers the making of such authorisations by State legislation, with the result that the authorised matters will be disregarded in deciding whether a person has contravened Part IV of that Act and that Code. Part IV deals with restrictive trade practices. Regulations may be made extending the application of the provision to certain existing agreements.

**Clause 46** is a formal provision giving effect to Schedule 1 which contains consequential amendments to other Acts.

**Clause 47** is a formal provision giving effect to Schedule 2 which contains savings and transitional provisions.

**Clause 48** requires the Minister to review the proposed Act after the conclusion of the Sydney Paralympic Games.

**Clause 49** provides for the dissolution of the Authority and the Board of the Authority on 15 September 2001.

**Clause 50** provides for the expiry of the proposed Act on a date to be appointed by proclamation.

## **Schedule 1**

**Schedule 1** makes consequential amendments to the following Acts:

*First State Superannuation Act 1992*

*Freedom of Information Act 1989*

*Public Authorities (Financial Arrangements) Act 1987*

*Public Finance and Audit Act 1983*

*Public Sector Management Act 1988*

*State Authorities Non-contributory Superannuation Act 1987*

*State Authorities Superannuation Act 1987*

*Superannuation Act 1916*

**Schedule 2** contains provisions of a savings or transitional nature. A provision abolishing the existing Olympic Roads and Transport Authority (established as a department of the Public Service) is included.