



New South Wales

Roads Legislation Amendment (NSW Motorways) Bill 2025

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 provide that NSW Motorways may exercise the functions of a roads authority,
- (b) to provide for the tolls and charges levied by a tolls authority, including NSW Motorways, in relation to tollways,
- (c) to provide for payments to the NSW Motorways Fund in relation to toll offences and offences committed on or in connection with tollways,
- (d) to amend the tollway ombudsman scheme (the *scheme*) to—
 - (i) apply the scheme to disputes and complaints about toll services provided by toll service providers both inside and outside the State, and
 - (ii) change the way contributions to the scheme are paid,
- (e) to establish a Customer Advocate within NSW Motorways to advocate for toll road customers.

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.

Schedule 1 Amendment of Roads Act 1993 No 33

Roads authority

Schedule 1[1] provides that NSW Motorways is the roads authority for all tollways vested in or otherwise owned by NSW Motorways.

Schedule 1[16] inserts proposed Schedule 1 to make special provisions for NSW Motorways.

Proposed Schedule 1, Part 1 provides that certain provisions that confer a function on a roads authority in relation to a public road also confer the function on NSW Motorways in relation to a tollway or proposed tollway. NSW Motorways may exercise the function in relation to a tollway or proposed tollway as if the tollway or proposed tollway were a public road.

Proposed Schedule 1, Part 2 provides for the functions of NSW Motorways in relation to certain roads. NSW Motorways may become responsible for the functions of a roads authority in relation to a classified road under—

- (a) an agreement into which it may enter with the roads authority in relation to the road (an *agreement*), or
- (b) a direction by the Minister.

While an agreement or direction is in effect, NSW Motorways must exercise the functions under the agreement or direction. NSW Motorways may also exercise the functions of a roads authority under the *Roads Act 1993*, Part 3, Division 3 in relation to a classified road and a public road adjoining a classified road. NSW Motorways may exercise the functions of a roads authority in relation to any road for the purpose of carrying out certain activities under the *Environmental Planning and Assessment Act 1979*.

Proposed Schedule 1, Part 3 provides that provisions applying to Transport for NSW (*TfNSW*) in relation to the following also apply to NSW Motorways—

- (a) the carrying out of road work on unclassified roads,
- (b) the special functions of TfNSW in relation to land,
- (c) the powers of authorised officers,
- (d) the acquisition of land,
- (e) financial matters,
- (f) approved camera recording devices for toll offences.

Schedule 1[3] makes a consequential amendment.

Road work

Schedule 1[4] provides that a private railway must not be taken to be severed, closed or otherwise not used merely because NSW Motorways carries out road work on, over, below or near the railway.

Tollways

Schedule 1[6] provides that the following amounts must be paid into the NSW Motorways Fund—

- (a) amounts in relation to penalties recovered for toll offences, including amounts recovered by penalty notices,
- (b) certain amounts in relation to penalties recovered for other offences under the *Roads Act 1993* or the *Roads Regulation 2018* committed on or in connection with tollways, but not penalties in relation to a decision by the tollway ombudsman issued to NSW Motorways under the scheme.

Schedule 1[5] is a consequential amendment.

Schedule 1[7] provides that the scheme must deal with disputes and complaints about services provided to a toll road customer by a toll entity, including if the service is provided outside the State. **Schedule 1[8]–[12] and [15]** make consequential amendments.

Schedule 1[13] and [14] provide that a toll entity must pay the following costs in accordance with the scheme—

- (a) the costs of managing and administering the scheme,
- (b) the costs of ensuring compliance with the scheme,
- (c) other costs relating to the scheme.

Miscellaneous

Schedule 1[2] provides that NSW Motorways is a notifiable authority to which a local council proposing to close a council public road must give notice about the proposal to close the road.

Schedule 1[17] vests in NSW Motorways the Sydney Harbour Tunnel and certain land and easements in relation to the Sydney Harbour Tunnel and makes transitional arrangements.

Schedule 1[18]–[21] make consequential amendments to the dictionary.

Schedule 2 Amendment of Transport Administration Act 1988 No 109

Schedule 2[1]–[7], [9] and [11] make amendments consequent on Schedule 1 to—

- (a) make minor changes to NSW Motorways' functions under the *Transport Administration Act 1988*, section 39B, and
- (b) authorise NSW Motorways to exercise its functions outside New South Wales, and
- (c) require TfNSW and the Chief Executive Officer of Service NSW to give NSW Motorways the information it requires to exercise its functions, and
- (d) require payments for toll relief schemes administered by NSW Motorways to be paid from the NSW Motorways Fund.

Schedule 2[10] makes provision for the appointment of a Customer Advocate to undertake the customer advocacy functions of NSW Motorways. **Schedule 2[8]** makes a consequential amendment.

Schedule 3 Repeal of Transport Administration Amendment (NSW Motorways) Act 2024 No 95

Schedule 3 repeals the uncommenced provisions of the *Transport Administration Amendment (NSW Motorways) Act 2024*.



New South Wales

Roads Legislation Amendment (NSW Motorways) Bill 2025

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Roads Legislation Amendment (NSW Motorways) Bill 2025

No , 2025

A Bill for

An Act to amend the *Roads Act 1993* to make further provision about NSW Motorways and toll roads; to amend the *Transport Administration Act 1988* to make provision for a toll road customer advocate; to repeal the *Transport Administration Amendment (NSW Motorways) Act 2024*; and for related purposes.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Roads Legislation Amendment (NSW Motorways) Act 2025</i> .	3
2 Commencement	4
This Act commences as follows—	5
(a) for Schedule 1[17]—on a day to be appointed by proclamation,	6
(b) otherwise—on the date of assent to this Act.	7

Schedule 1 Amendment of Roads Act 1993 No 33

[1] Section 7 Roads authorities

Insert after section 7(4)—

- (4A) NSW Motorways is the roads authority for all tollways vested in or otherwise owned by NSW Motorways.

[2] Section 32B Definitions

Insert after section 32B(1), definition of *notifiable authority*, paragraph (e1)—

- (e2) NSW Motorways,

[3] Section 64 TfNSW may exercise functions of roads authority with respect to certain roads

Omit “Part 5.1” from section 64(1A). Insert instead “Part 5”.

[4] Section 144F Effect of road work on private railway

Insert “or NSW Motorways” after “TfNSW” wherever occurring in section 144F(1) and (2).

[5] Section 225 Certain fines to be paid into TfNSW Fund

Insert “, other than an offence to which section 225A applies” after “regulations” in section 225(a)(i).

[6] Section 225A

Insert after section 225—

225A Certain fines to be paid into NSW Motorways Fund

The following amounts are appropriated for payment out of the Consolidated Fund into the NSW Motorways Fund—

- (a) amounts paid into the Consolidated Fund in relation to penalties recovered for toll offences, within the meaning of section 250A,
- (b) amounts paid into the Consolidated Fund in relation to penalties recovered for other offences under this Act or the regulations committed on or in connection with tollways, other than an offence under section 261A(6),
- (c) amounts paid into the Consolidated Fund that are recovered by penalty notices issued under this Act for offences under paragraph (a) or (b).

[7] Section 261A Tollway ombudsman scheme

Omit section 261A(2). Insert instead—

- (2) The scheme must provide for the appointment of a tollway ombudsman to deal with disputes and complaints about services provided to toll road customers by toll entities, whether provided inside or outside the State.
- (2A) The Minister may, by order published in the Gazette, exclude specified disputes and complaints between toll road customers and toll entities from the operation of the scheme.

[8] Section 261A(3)(b)

Omit “toll operators”. Insert instead “toll entities”.

[9] Section 261A(4) and (6)	1
Omit “decision” wherever occurring. Insert instead “determination”.	2
[10] Section 261A(5)	3
Omit the subsection. Insert instead—	4
(5) All toll entities are members of the tollway ombudsman scheme and, as members, are bound by the scheme.	5 6
[11] Section 261A(6) and (7)	7
Omit “toll operator” wherever occurring.	8
Insert instead “toll entity”.	9
[12] Section 261A(6A)	10
Insert after section 261A(6)—	11
(6A) Subsection (6) applies to a toll entity only if the toll road customers who are party to the dispute or complaint about which the determination was made choose to be bound by the determination.	12 13 14
[13] Section 261A(7)	15
Omit “to the Minister”.	16
[14] Section 261A(8)	17
Omit section 261A(8)–(10). Insert instead—	18
(8) The contribution is the amount determined and payable in accordance with the scheme.	19 20
[15] Section 261A(12)	21
Insert after section 261A(11)—	22
(12) In this section—	23
<i>toll entity</i> means the following—	24
(a) a toll operator,	25
(b) a toll service provider identified by the Minister by order published in the Gazette.	26 27
<i>toll road customer</i> —	28
(a) includes a person whether the person’s vehicle is registered in the State or elsewhere, but	29 30
(b) does not include persons, or persons of a class, excluded from the definition by the Minister by order published in the Gazette.	31 32
<i>toll service provider</i> has the same meaning as in the <i>Transport Administration Act 1988</i> .	33 34
[16] Schedule 1	35
Insert before Schedule 2—	36

Schedule 1 Special provisions for NSW Motorways

Part 1 General

1 Certain references to roads authority taken to include NSW Motorways

- (1) A reference to a roads authority in the following provisions is taken to include a reference to NSW Motorways—
 - (a) the following provisions of this Act—
 - (i) Part 5, Division 3,
 - (ii) Parts 6–8,
 - (iii) Part 9, Division 5,
 - (iv) Part 11, Division 2,
 - (v) Part 12, Division 3,
 - (vi) Part 13, Divisions 4 and 5,
 - (vii) Parts 14 and 15,
 - (viii) Dictionary,
 - (b) a provision of a regulation made under this Act, subject to the provision,
 - (c) the provisions of the *Civil Liability Act 2002*,
 - (d) another provision of this Act or another law prescribed by the regulations for this clause.
- (2) If a provision referred to in subclause (1) confers a function on a roads authority in relation to a public road, NSW Motorways may exercise the function in relation to a tollway or proposed tollway as if it were a public road or proposed public road.
- (3) If a provision referred to in subclause (1) confers a right, privilege or immunity on a roads authority in relation to a public road, NSW Motorways has the same right, privilege or immunity in relation to a tollway or proposed tollway.
- (4) To avoid doubt, this clause—
 - (a) does not limit a function conferred on NSW Motorways under this schedule, Part 2, and
 - (b) does not affect the operation of this Act, section 7(4)(b).
- (5) Despite this clause and this Act, section 7(4A), a tollway remains a private road.

2 Land held by NSW Motorways

- (1) NSW Motorways may, by notice published in the Gazette, dedicate any land held by it, including land acquired under this Act, Part 12, Division 1, as a public road.
- (2) On the publication of the notice, the land is dedicated as a public road.

Part 2 Distribution of certain functions between NSW Motorways, TfNSW and other roads authorities

Note— See also this Act, Part 5, Division 3.

3	Roads agreements between NSW Motorways and roads authorities	1
(1)	NSW Motorways and a roads authority may enter into an agreement under which some or all of the functions of the roads authority in relation to a classified road become, to the extent provided by the agreement, the responsibility of NSW Motorways.	2 3 4 5
(2)	While an agreement under this clause is in effect, the functions of the roads authority in relation to the road must, to the extent provided by the agreement, be exercised by NSW Motorways.	6 7 8
(3)	This clause does not limit the power of NSW Motorways to exercise a function conferred on NSW Motorways by or under another provision of this Act in relation to a classified road.	9 10 11
4	Ministerial directions	12
(1)	If, in the Minister's opinion, it is required by special circumstances, the Minister may direct that one or more of the functions of a roads authority in relation to a classified road are, to the extent provided by the direction, the responsibility of NSW Motorways.	13 14 15 16
(2)	While a direction under this clause is in effect, the functions of the roads authority in relation to the road must, to the extent provided by the direction, be exercised by NSW Motorways.	17 18 19
5	NSW Motorways may exercise functions of roads authority in relation to certain roads	20 21
(1)	NSW Motorways may exercise the functions of a roads authority in relation to a classified road, whether or not it is the roads authority for the road and whether or not the road is a public road.	22 23 24
(2)	NSW Motorways may exercise the functions of a roads authority in relation to a road for the purpose of carrying out the following—	25 26
(a)	a project approved under the <i>Environmental Planning and Assessment Act 1979</i> , Part 3A,	27 28
(b)	State significant development for which development consent has been granted under the <i>Environmental Planning and Assessment Act 1979</i> , Part 4,	29 30 31
(c)	State significant infrastructure approved under the <i>Environmental Planning and Assessment Act 1979</i> , Part 5.	32 33
(3)	The roads authority for a road in relation to which NSW Motorways is exercising a particular function may not exercise the roads authority's functions in relation to the road in a way that is inconsistent with the way in which the function is being exercised by NSW Motorways.	34 35 36 37
6	Road levels	38
	NSW Motorways may exercise the functions of a roads authority under this Act, Part 3, Division 3 in relation to a classified road and a public road adjoining a classified road.	39 40 41
7	NSW Motorways must not exercise function for classified roads inconsistently with TfNSW	42 43
	When exercising a function of a roads authority under clause 3, 5 or 6 in relation to a classified road, NSW Motorways must not exercise the function in a way that is inconsistent with the way in which the function is being exercised by TfNSW.	44 45 46 47

8	NSW Motorways has immunities of roads authority	1
	While exercising the functions of a roads authority under this Act in relation to a road, NSW Motorways has the immunities of a roads authority in relation to the road, whether or not it is the roads authority for the road.	2 3 4
Part 3	Miscellaneous	5
9	NSW Motorways may carry out road work on unclassified roads	6
	This Act, section 72 extends to NSW Motorways as if the references to TfNSW were references to NSW Motorways and the references in this Act, section 72(1)(a) and (b) to a classified road were references to a toll road.	7 8 9
10	Road management functions	10
	(1) This Act, Part 10, Division 3 extends to NSW Motorways.	11
	(2) For subclause (1), a reference in this Act, Part 10, Division 3 to TfNSW includes a reference to NSW Motorways.	12 13
11	Powers of authorised officers	14
	(1) This Act, Part 11 extends to NSW Motorways.	15
	(2) For subclause (1), a reference in this Act, Part 11 to an authorised officer includes the following—	16 17
	(a) an employee in the service of NSW Motorways who is authorised by NSW Motorways to exercise the functions of an authorised officer under this Act,	18 19 20
	(b) a person of a class prescribed by the regulations who is authorised by NSW Motorways to exercise the functions of an authorised officer under this Act.	21 22 23
12	Acquisition of land	24
	(1) This Act, Part 12, Division 1 extends to NSW Motorways.	25
	(2) For subclause (1), a reference in this Act, Part 12, Division 1 to TfNSW includes a reference to NSW Motorways.	26 27
13	Financial matters	28
	(1) The following provisions extend to NSW Motorways as if it were TfNSW—	29
	(a) sections 207, 208 and 212,	30
	(b) Part 13, Division 4.	31
	(2) NSW Motorways may exercise a function under section 207 or 208 only for a purpose related to a toll road.	32 33
14	Contributions to TfNSW by NSW Motorways	34
	(1) NSW Motorways must pay TfNSW the amounts determined by TfNSW from time to time as contributions in relation to the use of, and the movement of vehicles across, a bridge, tunnel or road-ferry if—	35 36 37
	(a) NSW Motorways is permitted under this Act, section 214(2) to levy tolls and charges in connection with traffic that uses the bridge, tunnel or road-ferry, and	38 39 40
	(b) the bridge, tunnel or road-ferry is under the control of TfNSW.	41

(2)	In this clause—	1
	<i>bridge</i> includes the Sydney Harbour Bridge.	2
15	Approved camera recording devices—toll offences	3
	Section 250A extends to NSW Motorways as if it were TfNSW.	4
[17]	Schedule 2 Savings, transitional and other provisions	5
	Insert at the end of the schedule, with appropriate part and clause numbering—	6
Part	Vesting of Sydney Harbour Tunnel	7
	Vesting of Sydney Harbour Tunnel land and easements in NSW Motorways	8
	The following are vested in NSW Motorways—	9
(a)	the Sydney Harbour Tunnel, within the meaning of the <i>Sydney Harbour Tunnel (Private Joint Venture) Act 1987</i> ,	10
		11
(b)	the land described in the <i>Sydney Harbour Tunnel (Private Joint Venture) Act 1987</i> , section 12(1) and (4),	12
		13
(c)	the easement to drain water described in the <i>Sydney Harbour Tunnel (Private Joint Venture) Act 1987</i> , section 12(2),	14
		15
(d)	the road described in the declaration made under the <i>Roads Act 1993</i> , section 52 declaring the Sydney Harbour Tunnel to be a tollway, published in Government Gazette No 401 of 26 August 2022.	16
		17
		18
	Construction of references to Commissioner for Main Roads	19
	A reference in the <i>Sydney Harbour Tunnel (Private Joint Venture) Act 1987</i> to the Commissioner for Main Roads must be read as a reference to NSW Motorways.	20
		21
		22
[18]	Dictionary	23
	Insert “or NSW Motorways” after “TfNSW” wherever occurring in the definition of <i>authorised officer</i> , paragraphs (a)–(c).	24
		25
[19]	Dictionary, definition of “private toll or charge”	26
	Insert “, NSW Motorways” after “TfNSW”.	27
[20]	Dictionary, definition of “toll operator”	28
	Omit the definition. Insert instead—	29
	<i>toll operator</i> means the following—	30
(a)	for a tollway—	31
(i)	if a person is declared by the Minister, by order published in the Gazette, to be the toll operator in relation to the tollway for this definition—the person, or	32
		33
		34
(ii)	otherwise—NSW Motorways,	35
(b)	for another toll road—NSW Motorways.	36
[21]	Dictionary, definition of “toll point”	37
	Insert “, TfNSW or NSW Motorways” after “toll operator”.	38

Schedule 2 Amendment of Transport Administration Act 1988 No 109

[1] Section 39B NSW Motorways functions

Omit “toll road services in the State” wherever occurring in section 39B(1)(a) and (c).

Insert instead “toll road services”.

[2] Section 39B(1)(b) and (f)

Insert “and charges” after “tolls” wherever occurring.

[3] Section 39B(1)(d)

Omit the paragraph.

[4] Section 39B(1)(e)

Insert “fund and” before “administer”.

[5] Section 39B(1)(g1) and (g2)

Insert after section 39B(1)(g)—

(g1) to investigate and enforce toll offences, within the meaning of the *Roads Act 1993*, section 250A,

(g2) to provide information about registrable vehicles and registered operators in accordance with the regulations,

[6] Section 39B(3)

Omit the subsection.

[7] Section 39B(5)

Insert after section 39B(4)—

(5) NSW Motorways may exercise its functions inside or outside New South Wales.

[8] Section 39I Delegation of functions of NSW Motorways

Insert “or a customer advocacy function under section 39L” after “delegation” in section 39I(1).

[9] Section 39J Sharing and obtaining information

Insert after section 39J(1)—

(1A) TfNSW or the Chief Executive Officer of Service NSW must give NSW Motorways the information, including personal information, required by NSW Motorways to enable NSW Motorways to exercise its functions under this Act or another Act.

[10] Part 3E, Division 5

Insert after section 39J—

Division 5	Customer Advocate	1
39K	Establishment of Customer Advocate	2
	A Customer Advocate must be employed in the Transport Service under Part 7A to undertake the customer advocacy functions of NSW Motorways.	3 4
39L	Customer advocacy functions of NSW Motorways	5
(1)	The customer advocacy functions of NSW Motorways are as follows—	6
(a)	to advocate for and promote the interests of toll road customers,	7
(b)	to advocate for policy and legislative change and other improvements that benefit toll road customers, including by participating in forums and otherwise engaging with the community,	8 9 10
(c)	to promote collaboration between government, toll operators and toll service providers to address common issues and to promote better policy development in the interests of toll road customers,	11 12 13
(d)	to give advice, recommendations and reports to the Minister about matters relating to toll road customers,	14 15
(e)	to raise awareness and provide education about, and conduct programs and other activities to promote understanding of, issues affecting toll road customers,	16 17 18
(f)	other customer advocacy functions specified by this Act or another Act.	19
(2)	Advice, recommendations and reports under subsection (1)(d) may be given at the request of the Minister or on the initiative of the Customer Advocate.	20 21
(3)	The Customer Advocate is not subject to the control and direction of the Minister or another person in relation to the contents of advice, reports or recommendations given to the Minister.	22 23 24
(4)	The Customer Advocate may delegate the exercise of a customer advocacy function to—	25 26
(a)	a member of staff of NSW Motorways, or	27
(b)	a person of a class prescribed by the regulations or approved by TfNSW.	28 29
[11]	Section 80FL Payments from NSW Motorways Fund	30
	Insert after section 80FL(a)—	31
(a1)	all payments for toll relief schemes administered by NSW Motorways,	32

Schedule 3	Repeal of Transport Administration Amendment	1
	(NSW Motorways) Act 2024 No 95	2
Repeal		3
	The <i>Transport Administration Amendment (NSW Motorways) Act 2024</i> No 95 is repealed.	4