

**Transport Administration Amendment
(Transport Levy for Major Events) Bill
2005**

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

Overview of Bill

The object of this Bill is to amend the *Transport Administration Act 1988* to provide for transport levies to assist in meeting costs arising out of the provision of public transport services for major events held at Sydney Olympic Park and other venues.

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.

Clause 3 is a formal provision that gives effect to the amendments to the *Transport Administration Act 1988* (the **Principal Act**) set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [2] inserts Division 1 of Part 8 (proposed sections 69–72C) into the Principal Act.

Proposed section 69 defines words and expressions used in the proposed Division.

Proposed section 70 enables the Minister, by order published in the Gazette, to declare a particular event to be a major event for which a transport levy is to be levied. Such an order may be made for events held at Sydney Olympic Park or for other events that are prescribed by the regulations.

Proposed section 71 makes the transport levy payable by the patrons of the major event. The Director-General of the Ministry of Transport is to determine the amount or amounts of the transport levy and the public transport services to be provided for a major event after consulting with the organiser and venue manager (if any). Money from a transport levy is to be applied for the provision of public transport services for major events and for associated or other public transport purposes.

Proposed section 72 requires the transport levy to be paid in the manner and within the period determined by the Director-General and requires patrons to pay an amount of transport levy, whether or not they use the transport services concerned.

Proposed section 72A provides for the Director-General, or a person authorised by the Director-General, to enter into an agreement with the organiser of a major event or venue manager with respect to matters relating to the collection and payment of the transport levy. Those matters include payment by patrons of the levy (and its inclusion in ticket prices or membership or benefit prices), the sale and use of tickets to major events as tickets for public transport services, the issue of event tickets by transport authorities and other transport providers, methods of collection and payment of the levy and the provision of and liability for costs of public transport services.

Proposed section 72B enables a patron of a major event who has a ticket to the event to be treated as if the patron had purchased a ticket for public transport services covered by the transport levy for transport to and from the event. The entitlement to do so is subject to the approval of the Director-General, after the Director-General is satisfied that appropriate arrangements have been made for the payment and collection of the transport levy for the major event.

Proposed section 72C authorises agreements entered into in connection with a matter referred to in the proposed Division and the conduct of parties in entering into and performing those agreements for the purposes of section 51 of the *Trade Practices Act 1974* of the Commonwealth. The effect of this is to prevent those agreements and that conduct from contravening Part IV of that Act (which relates to restrictive trade practices).

Schedule 1 [1] and [4] make consequential amendments to apply general provisions relating to the functions of the Director-General (including the power to delegate

functions) under the Principal Act to proposed Division 1 of Part 8.

Schedule 1 [3] makes it clear that provisions setting fares for the use of transport services do not apply to services covered by a transport levy.

Schedule 1 [5] enables regulations containing savings and transitional provisions to be made as a consequence of the enactment of the proposed Act.