



New South Wales

Transport Administration Amendment (Independent Transport Safety Regulator) Bill 2017

Explanatory note

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

Overview of Bill

The object of this Bill is to abolish the Independent Transport Safety Regulator, which is a New South Wales statutory corporation that provides specific functions and services under delegation from the Office of the National Rail Safety Regulator, a body established under the *Rail Safety National Law (NSW)* and corresponding laws of other participating jurisdictions.

The functions that the Independent Transport Safety Regulator currently provides include operating the New South Wales branch office of the Office of the National Rail Safety Regulator and performing a range of regulatory and compliance activities. Those functions will, in the future, be undertaken directly by the Office of the National Rail Safety Regulator.

On its abolition, the assets, rights and liabilities of the Independent Transport Safety Regulator will be transferred to the Crown. Arrangements are being made for the ongoing employment of certain existing employees of the abolished body by the Office of the National Rail Safety Regulator, including arrangements relating to the maintenance of the accrued rights of those employees.

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.

Schedule 1 Amendment of Transport Administration Act 1988 No 109

Schedule 1 [1], [3], [6]–[12] and [23] omit references to the Independent Transport Safety Regulator, which is proposed to be abolished.

Schedule 1 [2] inserts a definition of *National Rail Safety Regulator*.

Schedule 1 [4] provides for the Office of the National Rail Safety Regulator or another independent professional person approved by the Minister, rather than the Independent Transport Safety Regulator, to be the relevant safety regulator for the purposes of the review of the impact of a direction that relates to rail services or infrastructure given by Transport for NSW to a transport authority.

Schedule 1 [5] omits provisions that establish the Independent Transport Safety Regulator and provide for its functions.

Schedule 1 [13]–[21] omit references to the Chief Executive of the Independent Transport Safety Regulator, a statutory office that will be abolished by the amendments made by the proposed Act.

Schedule 1 [22] provides for the transfer of the assets, rights and liabilities of the Independent Transport Safety Regulator.

Schedule 1 [24] makes it clear that a provision that extends powers of entry onto railway land, rail infrastructure facilities or railway buildings applies subject to the *Rail Safety National Law (NSW)*.

Schedule 1 [25] inserts provisions that:

- (a) abolish the Independent Transport Safety Regulator, and
- (b) transfer its assets, rights and liabilities to the Crown, and
- (c) empower the Minister to enter into an arrangement with the Office of the National Rail Safety Regulator for the transfer to that Office of any assets, rights and liabilities transferred to the Crown, and
- (d) empower the Minister to transfer to a NSW government agency any assets, rights and liabilities transferred to the Crown, and
- (e) provide that the Chief Executive of the Independent Transport Safety Regulator ceases to hold office.

Schedule 2 Consequential amendment of other legislation

Schedule 2.1 amends the *Government Sector Employment Act 2013* to remove the Independent Transport Safety Regulator Staff Agency as a separate Public Service agency.

Schedule 2.2 amends the *Passenger Transport Act 2014* to omit an uncommenced amendment to a provision that will be repealed by the proposed Act.

Schedule 2.3 amends the *Public Finance and Audit Act 1983* to omit the Independent Transport Safety Regulator from the list of statutory bodies subject to that Act.

Schedule 2.4 amends the *Rail Safety (Adoption of National Law) Act 2012* to omit a section about the provision of information and assistance by the Independent Transport Safety Regulator.

Schedule 2.5 amends the *Rail Safety (Adoption of National Law) Regulation 2012* to omit references to the Independent Transport Safety Regulator and to clarify a reference to that body in a savings provision.