



New South Wales

Transport Administration Amendment (Sydney Metro) Bill 2018

Explanatory note

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* (the *Principal Act*) to facilitate the development, implementation and operation of a metro in Sydney by constituting Sydney Metro as a corporation and to provide generally for the corporation's management and functions.

The Bill also makes consequential amendments to other legislation.

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 makes amendments to the Principal Act to give effect to the object outlined in the Overview.

Schedule 1 [10] inserts proposed Part 3D into the Principal Act to constitute Sydney Metro as a corporation and set out its objectives, functions and management.

Proposed Division 1 of the Part constitutes Sydney Metro as a corporation that is a NSW Government agency.

Proposed Division 2 of the Part sets out the objectives of Sydney Metro. The principal objectives of Sydney Metro are as follows:

- (a) to deliver safe and reliable metro passenger services in an efficient, effective and financially responsible manner,
- (b) to facilitate and carry out the orderly and efficient development of land in the locality of metro stations, depots and stabling yards, and proposed metro stations, depots and stabling yards.

Proposed Division 3 of the Part sets out the functions of Sydney Metro. Sydney Metro has functions relating to the construction, development and operation of the metro. It also may carry out, finance, manage or otherwise participate in development for residential, retail, commercial, industrial, mixed use, community, public open space or recreational purposes on land in the locality of a metro station, depot or stabling yard, or a proposed metro station, depot or stabling yard.

Proposed Division 4 of the Part deals with the management of Sydney Metro. Sydney Metro is to be governed by the Sydney Metro Board. All decisions relating to the functions of Sydney Metro are to be made by or under the authority of the Sydney Metro Board. The Chief Executive of Sydney Metro is responsible for the day-to-day management of the affairs of Sydney Metro, subject to the specific policies and general directions of the Sydney Metro Board.

Proposed Division 5 of the Part contains general provisions, including provisions dealing with, amongst other things, the appointment of advisory committees, the supply of information to the Minister for Transport and Infrastructure and the preparation of corporate plans.

Schedule 1 [7] amends section 3B of the Principal Act to provide that Sydney Metro is, in the exercise of its functions, subject to the control and direction of the Minister for Transport and Infrastructure.

Schedule 1 [1] amends section 3 of the Principal Act to insert definitions of *metro*, *metro assets*, *metro passenger service*, *Sydney Metro* and *Sydney Metro Board*.

Schedule 1 [2] amends the definition of *NSW rail network* in section 3 of the Principal Act to make it clear that the NSW rail network access provisions of that Act do not apply in relation to the metro.

Schedule 1 [16] inserts proposed Division 3AC into Part 8 of the Principal Act to establish a Sydney Metro Fund and govern its operation.

Schedule 1 [35] inserts proposed Schedule 2B into the Principal Act to deal with the constitution and procedure of the Sydney Metro Board.

Schedule 1 [3]–[6], [8], [9], [11]–[15], [17]–[34] and [36]–[41] make consequential amendments.

Schedule 1 [42] inserts certain savings and transitional provisions into Schedule 7 to the Principal Act.

Schedule 2 Amendment of other legislation

Schedule 2 makes amendments to other legislation consequential on the amendments outlined in Schedule 1 above.

In particular, Schedule 2.12 amends the *Passenger Transport Act 2014* to enable Sydney Metro (instead of Transport for NSW) to enter into a passenger service contract on behalf of the State for the provision of a metro public passenger service under that Act.

The Schedule also makes amendments to the *City of Sydney Act 1988* consequent on changes to *State Environmental Planning Policy (Infrastructure) 2007* that replace RailCorp with Transport for NSW as the rail authority having certain concurrence functions in relation to development on rail corridors within the City of Sydney.