



New South Wales

Roads Amendment (Tolling Transparency) Bill 2022

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 *Roads Act 1993* to—

- (a) require the prominent display of toll charges at each public entrance to a tollway, and
- (b) provide a tolling agreement may only be entered into if it is in the public interest, and
- (c) provide that clauses in tolling agreements, entered into after the commencement of the proposed amendments, limiting the provision of public transport services (an *exclusivity clause*) are of no effect, and
- (d) require the Minister to make publicly available, including by tabling in Parliament, a range of information about tolling agreements, including information about exclusivity clauses in existing agreements, and
- (e) require the Minister, by 1 November in specified years, to table in Parliament a report with information about the following—
 - (i) the tolls collected in the preceding financial year,
 - (ii) toll relief in the preceding financial year,
 - (iii) an estimate of tolls that will be collected over the duration of existing tolling agreements, and
- (f) enable the Auditor-General to conduct performance audits of tolling agreements.

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 to the proposed Act.

Schedule 1 Amendment of Roads Act 1993 No 33

Schedule 1[1] requires toll operators to prominently display at each public entrance to a tollway a sign providing information about the tolls payable for using the tollway.

Schedule 1[2] inserts proposed Part 13A and provides for transparency in tolling agreements as follows—

- (a) proposed section 227A provides for necessary definitions,
- (b) proposed section 227B provides a tolling agreement must not be entered into unless it is in the public interest,
- (c) proposed sections 227C and 227D require the Minister to make information about tolling agreements publicly available, including by tabling a report in both Houses of Parliament,
- (d) proposed section 227E requires the Minister to table in both Houses of Parliament a report on the collection of tolls, and on applications for and provision of toll relief in the preceding financial year,
- (e) proposed sections 227F–227I provide for the Auditor-General to conduct performance audits of tolling agreements and for a toll operator to meet costs associated with an audit,
- (f) 227J provides that an exclusivity clause entered into after the commencement of the proposed section is of no effect and for the Minister to table in both Houses of Parliament a report containing information about each exclusivity clause entered into before the commencement of the proposed section,
- (g) proposed section 227K provides that no compensation is payable to a toll operator as a consequence of the enactment of proposed Part 13A.

Schedule 1[3] makes consequential amendments to the Dictionary.

Schedule 2 Amendment of Roads Regulation 2018

Schedule 2 makes a consequential amendment to the *Roads Regulation 2018* to allow information collected from toll service providers to be used for the purposes of the Minister's report to Parliament under proposed section 227E of the principal Act.