

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 **TAA**) and other transport legislation to establish new arrangements for the administration of the NSW transport sector.

The new arrangements provide for the following:

- (a) the establishment of a statutory corporation to be called Transport for NSW (**TfNSW**) which is to have the central role in the governance of the delivery of transport services and infrastructure by public transport agencies,
- (b) the establishment of a staff employment entity to be called the Transport Service of NSW in which staff are employed to enable TfNSW to exercise its functions,
- (c) the establishment of a statutory corporation to be called Roads and Maritime Services (**RMS**) and the transfer to the new corporation of the functions (other than TfNSW co-ordination, planning and policy functions), assets, rights and liabilities of the Roads and Traffic Authority and the Maritime Authority of NSW,
- (d) the abolition of the Roads and Traffic Authority, the Maritime Authority of NSW, the Transport Construction Authority and the Country Rail Infrastructure Authority.

The Department of Transport will continue to provide departmental services to the Minister.

Transport for NSW

TfNSW will have the co-ordination, funding allocation, policy and planning and other non-service delivery functions that are currently exercised by the Director-General of the Department of Transport. Those functions include the planning, oversight and delivery of transport infrastructure, contracting for the delivery of public transport services, transport services co-ordination, incident management, ticketing services and arrangements, and the provision and deployment of staff to public transport agencies.

Additional functions to be conferred on TfNSW include the following:

- (a) co-ordinating capital works programs and budgets across the transport sector,
- (b) co-ordinating and carrying out procurement of transport infrastructure and transport vehicles and vessels,
- (c) broad powers for the development and management of transport infrastructure across all modes of transport (including maritime and ports infrastructure),
- (d) a strategic policy function and other functions for the promotion or improvement of road safety, travel efficiency and traffic management,
- (e) development of regulatory policy for the transport portfolio, including for road and transport safety,
- (f) responsibility for the Standard Working Timetable across all modes of transport in the metropolitan area,
- (g) power to determine regulatory policy and a research and educational role under the *Tow Truck Industry Act 1998*.

The functions, assets, rights and liabilities of the Transport Construction Authority and the Country Rail Infrastructure Authority will be transferred to TfNSW when those Authorities are abolished. TfNSW will be managed and controlled by the Director-General of the Department of Transport, subject to the direction and control of the Minister, and will be authorised to give directions to public transport agencies for the purpose of exercising its functions.

Transport Service of NSW

The Transport Service will comprise the staff who are employed by the Government of NSW to enable TfNSW to exercise its functions. The Director-General will exercise (on behalf of the Government) employer functions in relation to those staff which include fixing their salary, wages and conditions of employment (although awards and other laws may also apply in relation to those staff). Special provision is also included for members of the Transport Service who hold positions in the Transport Senior Service.

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 amends the TAA to:

- (a) establish and confer functions on TfNSW, and
- (b) establish the Transport Service of NSW, and
- (c) establish and confer functions on Roads and Maritime Services, and
- (d) transfer assets, rights, liabilities and authorisations as a consequence of the restructuring, and
- (e) establish the common objectives of public transport agencies and enable the Director-General to establish the Government's expectations for service delivery by public transport agencies, and
- (f) alter existing provisions for the transfer of staff between public transport agencies so that transfers will be on a "no net detriment" basis (in place of the current arrangements for a transfer to be on the basis of the existing terms and conditions of employment), and
- (g) make it clear that the obligation of a railway network controller to give priority to railway passenger services is an obligation to give *reasonable* priority to those services, and priority that is consistent with arrangements for Commonwealth funding of freight rail infrastructure.

Schedule 2 Amendment of Ports and Maritime Administration Act 1995 No 13

Schedule 2 amends the *Ports and Maritime Administration Act 1995* as follows:

- (a) the Maritime Authority will be abolished and its functions, assets, rights and liabilities transferred to the new Roads and Maritime Services,
- (b) consequential amendments (including amendments to provisions for the Waterways Fund),
- (c) the Minister will be authorised to transfer commercial port facilities that are vested in the Maritime Authority (currently the ports of Eden and Yamba), together with the staff employed at those ports, to a Ports Corporation,
- (d) provision is made for the establishment by the Minister of a Maritime Advisory Council to advise the Minister on matters concerning the marine legislation, maritime safety and expenditure priorities for maritime infrastructure and research.

Schedule 3 Amendments relating to the abolition of Transport Construction Authority

Schedule 3 amends the *Transport Administration Act 1988* and other legislation to:

- (a) abolish the Transport Construction Authority, and
- (b) transfer the assets, rights and liabilities of the abolished Authority to TfNSW, and
- (c) make consequential amendments.

The functions of the abolished Authority will become functions of TfNSW as a result of the amendments made by Schedule 1.

Schedule 4 Amendments relating to the abolition of Country Rail Infrastructure Authority

Schedule 4 makes similar amendments in relation to the Country Rail Infrastructure Authority as those made by Schedule 3 in relation to the Transport Construction Authority.

Schedule 5 Consequential and other amendments

Schedule 5 makes amendments to various laws that are consequential on the abolition of the Roads and Traffic Authority and the Maritime Authority of NSW and the establishment of Roads and Maritime Services. Schedule 5 also includes amendments to various laws that are consequential on the transfer of functions to TfNSW and other amendments made by the Bill. Other minor amendments are made to transport legislation, including law revision amendments.