



New South Wales

Transport Administration Amendment (RMS Dissolution) Bill 2019

Explanatory note

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

Overview of Bill

The object of this Bill is to dissolve Roads and Maritime Services (*RMS*) and transfer its assets, rights, liabilities and functions to Transport for NSW (*TfNSW*).

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 give effect to the object outlined in the Overview above.

Schedule 2 **Consequential amendments to other legislation**

Schedule 2 makes consequential amendments to the following legislation—

- (a) the *Marine Pollution Regulation 2014*,
- (b) the *Roads Act 1993*,
- (c) the *Transport Administration (General) Regulation 2018*.



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New South Wales

Transport Administration Amendment (RMS Dissolution) Bill 2019

No. , 2019

A Bill for

An Act to amend the *Transport Administration Act 1988* to dissolve Roads and Maritime Services and to transfer its assets, rights, liabilities and functions to Transport for NSW; to make consequential amendments to that Act and other legislation; and for other purposes.

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Transport Administration Amendment (RMS Dissolution) Act 2019*.

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2 Commencement

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This Act commences on a day or days to be appointed by proclamation.

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Schedule 1	Amendment of Transport Administration Act 1988 No 109	1
		2
[1] Section 3 Definitions		3
	Omit “RMS,” from the definition of <i>public transport agency</i> in section 3 (1).	4
[2] Section 3 (1)		5
	Omit the definition of <i>Roads and Maritime Services</i> (or <i>RMS</i>).	6
[3] Section 3B Ministerial responsibility and delegation		7
	Omit section 3B (1) (b).	8
[4] Section 3G Directions by TfNSW to public transport agencies		9
	Omit section 3G (1) (b).	10
[5] Section 3H Review by relevant safety regulator of directions relating to transport safety matters		11
	Omit “Roads and Maritime Services” wherever occurring in the definition of <i>relevant safety regulator</i> in section 3H (1).	12
	Insert instead “the Chief Investigator, or other independent professional person, approved by the Minister as the relevant safety regulator for the purposes of this section”.	13
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		15
		16
[6] Sections 38N (2), 105, 106 (1), 106A (1), (3) and (4) (definition of “eligible motor vehicle”) and 119 (1A) and clause 13C (1) (a) and (4) of Schedule 6A		17
	Omit “RMS” wherever occurring. Insert instead “TfNSW”.	18
		19
[7] Part 6 Roads and Maritime Services		20
	Omit “RMS” and “RMS’s” wherever occurring (other than in Division 1A).	21
	Insert instead “TfNSW” and “TfNSW’s”, respectively.	22
[8] Part 6, Division 1A Constitution and management of Roads and Maritime Services		23
	Omit the Division.	24
[9] Section 50 Delegation		25
	Omit the section.	26
[10] Part 6		27
	Convert Part 6 (other than Division 1A and section 50) to Part 2A of Schedule 1 (with the following headings); rename sections in the Part as clauses and renumber them commencing with clause 8A; and rename and renumber any cross-references accordingly—	28
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Part 2A Roads and maritime functions	1
Division 1 Interpretation	2
Division 2 Roads and maritime functions	3
Division 3 Directions and recommendations to public authorities	4
[11] Section 55A Definition of “transport authority”	5
Omit section 55A (c).	6
[12] Section 65 Definitions	7
Omit paragraph (c) of the definition of <i>transport authority</i> .	8
[13] Section 68C Employment in the Transport Service	9
Omit section 68C (1) (c).	10
[14] Section 68C (1), note	11
Omit “TfNSW, the State Transit Authority and RMS”.	12
Insert instead “TfNSW and the State Transit Authority”.	13
[15] Section 68Q Miscellaneous provisions relating to the Transport Service	14
Omit “RMS,” wherever occurring in section 68Q (5) and (6).	15
[16] Section 68Q (10) (c)	16
Omit the paragraph.	17
[17] Part 8, Division 2A Financial provisions relating to Transport for NSW	18
Omit the Division.	19
[18] Part 8, Division 3, heading	20
Omit “Roads and Maritime Services”. Insert instead “Transport for NSW”.	21
[19] Section 77	22
Omit the section. Insert instead—	23
77 TfNSW Fund	24
There is established in the Special Deposits Account a fund called the Transport for NSW Fund (the <i>TfNSW Fund</i>).	25 26
[20] Sections 78–80C (other than section 78 (1) (a) (ii) and (iii))	27
Omit “RMS” wherever occurring. Insert instead “TfNSW”.	28
[21] Section 78 Payments into TfNSW Fund	29
Omit section 78 (1) (a) (ii) and (iii). Insert instead—	30
(ii) appropriated by Parliament for the purposes of TfNSW,	31
[22] Section 81A Definition	32
Omit paragraph (b) of the definition of <i>Authority</i> .	33

[23] Section 94 Transfers of assets, rights and liabilities	1
Omit “RMS,” from section 94 (6).	2
[24] Section 99B Closure of level-crossings, bridges and other structures	3
Omit “RMS” from section 99B (3) (b).	4
Insert instead “TfNSW (unless TfNSW is the rail infrastructure owner)”.	5
[25] Part 9, Division 3, heading	6
Omit “RMS”. Insert instead “TfNSW”.	7
[26] Section 107 Definition of “transport authority”	8
Omit section 107 (1) (c).	9
[27] Section 109 Seals of Authorities	10
Omit paragraph (b) of the definition of <i>Authority</i> in section 109 (2).	11
[28] Section 112 Personal liability of certain persons	12
Omit “, Sydney Metro and RMS” from paragraph (a) of the definition of <i>member of a transport authority</i> in section 112 (2).	13
Insert instead “and Sydney Metro”.	14
[29] Schedule 1 Functions of Transport for NSW	16
Omit paragraph (d) of the definition of <i>transport authority</i> in clause 4A (4).	17
[30] Schedule 1, clause 8A (as inserted and amended by this Schedule)	18
Insert after clause 8A (2) (formerly section 45E (2))—	19
(3) This Part does not limit the operation of the other provisions of this Schedule.	20
[31] Schedule 1, clause 8H (as inserted and amended by this Schedule)	21
Omit clause 8H (1) (b) and (c) (formerly section 53 (1) (b) and (c)).	22
[32] Schedule 1, clause 9A	23
Insert after clause 9—	24
9A Power to appoint agents and act as agent	25
TfNSW may appoint agents and act as agent for other persons.	26
[33] Schedule 2 Provisions relating to Chief Executives	27
Omit “, 47 (2)” from the source reference.	28
[34] Schedule 2, clause 1	29
Omit paragraph (b) of the definition of <i>Chief Executive</i> .	30
[35] Schedule 7 Savings, transitional and other provisions	31
Insert at the end of the Schedule, with appropriate Part and clause numbering—	32

Part	Provisions consequent on dissolution of RMS	1
	Dissolution of RMS	2
(1)	Roads and Maritime Services (RMS) is dissolved.	3
(2)	The assets, rights and liabilities of RMS are, on its dissolution, transferred to Transport for NSW.	4 5
(3)	Schedule 4 applies to the transfer of the assets, rights and liabilities of RMS by the operation of this clause and so applies as if this clause were an order to which that Schedule applies when this clause takes effect.	6 7 8
(4)	Any act, matter or thing done or omitted to be done before the dissolution of RMS by, to or in respect of RMS is (to the extent that the act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of Transport for NSW.	9 10 11 12
(5)	A reference in any Act (other than this Act), in any instrument made under any Act or in any document of any kind to RMS is to be construed as a reference to Transport for NSW.	13 14 15
(6)	A reference in any Act (other than this Act), in any instrument made under any Act or in any document of any kind to the Chief Executive of RMS is to be construed as a reference to Transport for NSW.	16 17 18
(7)	Without limiting subclauses (2) and (3) and Schedule 4, any proceedings commenced by or on behalf of RMS but not completed before its dissolution are taken to have been commenced by or on behalf of TfNSW.	19 20 21
(8)	For the purposes of subclause (7), proceedings includes any prosecution, investigation or other enforcement action.	22 23
	Amalgamation of TfNSW Fund and RMS Fund	24
(1)	The TfNSW Fund established under section 77 as substituted by the <i>Transport Administration Amendment (RMS Dissolution) Act 2019</i> is an amalgamation of and continuation of the following funds—	25 26 27
(a)	the TfNSW Fund established under section 76A as in force immediately before its repeal by that Act,	28 29
(b)	the RMS Fund established under section 77 as in force immediately before its substitution by that Act.	30 31
(2)	A reference in any Act (other than this Act), in any instrument made under any Act or in any document of any kind to the RMS Fund (or the Roads and Maritime Services Fund) is to be construed as a reference to the TfNSW Fund.	32 33 34

Schedule 2	Consequential amendments to other legislation	1
2.1	Marine Pollution Regulation 2014	2
	Clause 58 Prescribed officers	3
	Omit clause 58 (c). Insert instead—	4
	(c) the following members of the Transport Service responsible for maritime matters—	5
	(i) Executive Director Maritime,	6
	(ii) General Manager, Operations and Compliance,	7
	(iii) Principal Manager, Sydney,	8
	(iv) Principal Manager, North,	9
	(v) Principal Manager, South,	10
	(vi) each Manager Operations,	11
	(vii) each Boating Safety Officer,	12
	(viii) each Senior Boating Safety Officer,	13
		14
2.2	Roads Act 1993 No 33	15
[1]	Section 144B Roads authority not to obstruct light rail system	16
	Omit section 144B (2) (a).	17
[2]	Section 144C Consent for works and other action relating to light rail system	18
	Omit section 144C (3).	19
2.3	Transport Administration (General) Regulation 2018	20
[1]	Clause 9 Prescribed traffic control facilities	21
	Omit “section 45E (1) of the Act”. Insert instead “clause 8A of Schedule 1 to the Act”.	22
[2]	Clause 20 Further additional classes of persons to whom TfNSW may delegate functions	23
	Omit “section 50 (3) (d) of the Act” from clause 20 (1).	24
	Insert instead “the definition of <i>authorised person</i> in section 3I (3) of the Act”.	25
		26