



New South Wales

Olympic Roads and Transport Authority Act 1998 No 110

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New South Wales

Olympic Roads and Transport Authority Act 1998 No 110

Act No 110, 1998

An Act to constitute the Olympic Roads and Transport Authority; to confer functions on the Authority; to amend certain Acts consequentially; and for other purposes. [Assented to 9 November 1998]

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *Olympic Roads and Transport Authority Act 1998*.

2 Commencement

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

3 Definitions

In this Act:

Authority means the Olympic Roads and Transport Authority constituted by this Act.

Board means the Board of the Authority established by this Act.

Chief Executive Officer means the Chief Executive Officer of the Authority.

command and control plan means a plan prepared by the Authority that sets out the policies and procedures in relation to the provision of integrated road and transport services for a special event.

exercise a function includes perform a duty.

Freight Rail Corporation means Freight Rail Corporation constituted under the *Transport Administration Act 1988*.

function includes a power, authority or duty.

government agency means:

- (a) a department of the Public Service, or
- (b) a statutory body representing the Crown, or
- (c) a State owned corporation, or
- (d) any other public or local authority constituted by or under an Act.

but does not include SOCOG, the Authority or the Police Service.

OCA means the Olympic Co-ordination Authority constituted by the *Olympic Co-ordination Authority Act 1995*.

Olympic Games means the Games of the XXVII Olympiad to be held principally in Sydney in the year 2000.

Paralympic Games means the Paralympic Games to be held principally in Sydney in the year 2000.

Rail Access Corporation means Rail Access Corporation constituted under the *Transport Administration Act 1988*.

Rail Services Australia means Rail Services Australia constituted under the *Transport Administration Act 1988*.

road and transport services includes:

- (a) the control and management of the road network, and
- (b) the control and management of traffic, and
- (c) the provision of parking.

Roads and Traffic Authority means the Roads and Traffic Authority of New South Wales constituted under the *Transport Administration Act 1988*.

service level agreement means an agreement made under this Act between the Authority and a transport authority.

SOCOG means the Sydney Organising Committee for the Olympic Games constituted by the *Sydney Organising committee for the Olympic Games Act 1993*.

special event means:

- (a) the Olympic Games, or
- (b) the Paralympic Games, or
- (c) the Royal Easter Show, or
- (d) a test event.

State Rail Authority means the State Rail Authority of New South Wales constituted under the *Transport Administration Act 1988*.

State Transit Authority means the State Transit Authority of New South Wales constituted under the *Transport Administration Act 1988*.

test event means an event declared by the Premier under section 31 to be a test event.

traffic includes vehicular traffic, pedestrian traffic, cyclist traffic and all other kinds of traffic.

transport area means an area declared to be a transport area by an order under Part 5.

transport area order means an order made under section 23.

transport authority means:

- (a) Freight Rail Corporation. or
- (b) Rail Access Corporation, or
- (c) Rail Services Australia. or
- (d) the Roads and Traffic Authority, or
- (e) the State Rail Authority. or
- (f) the State Transit Authority. or
- (g) in relation to the functions of the Director-General of the Department of Transport under Part 4 of the *Transport Administration Act 1988* and referred to in section 36 of that Act—the Director-General.

4 Effect of Act on police powers and other matters

Nothing in this Act:

- (a) affects the lawful exercise of powers by a police officer. or
- (b) authorises the Authority to direct that members, facilities or other resources of the Police Service be used to enable the Authority to exercise the Authority's functions under this Act.

5 Notes

Notes included in this Act do not form part of this Act.

Part 2 Constitution of Olympic Roads and Transport Authority

6 Constitution of Authority

- (1) There is constituted by this Act a body corporate with the corporate name of the Olympic Roads and Transport Authority.
- (2) The Authority may also be called ORTA and the use of that name has the same effect for all purposes as the use of its corporate name.
- (3) The Authority has the functions conferred or imposed on the Authority by or under this or any other Act or law.

7 Status of Authority

The Authority is, for the purposes of any Act, a statutory body representing the Crown.

Note. The management of the Olympic Roads and Transport Authority is provided for in Part 4. The Authority has a Chief Executive Officer and a Board that advises the Chief Executive Officer. The Authority is also subject to the control and direction of the Minister.

Part 3 Functions of Olympic Roads and Transport Authority

Division 1 Principal function

8 Provision of integrated road and transport services for special events

- (1) The principal function of the Authority is to plan, co-ordinate and provide integrated road and transport services for special events.
- (2) In particular, the Authority has the following functions:
 - (a) to ensure co-ordination between:
 - (i) transport authorities, SOCOG and OCA with respect to the provision of integrated road and transport services for the Olympic Games and the Paralympic Games, and
 - (ii) transport authorities with respect to the provision of integrated road and transport services for other special events,
 - (b) to establish a command structure for the provision of those services.
 - (c) to prepare and implement policies, strategies and plans for the provision of those services, including the preparation and implementation of:
 - (i) command and control plans, and
 - (ii) public information strategies and travel demand management strategies to ensure community support and co-operation in the movement of traffic during special events.
 - (d) to prepare budgets for money specifically appropriated or obtained for the provision of those services and ensure those services are provided within those budgets.
 - (e) to notify relevant government agencies of the making or amendment of a command and control plan for a special event.
- (3) Notification under subsection (2) (e) need not be in writing.

- (4) In exercising its functions in relation to the Olympic Games and the Paralympic Games, the Authority has the following obligations:
- (a) to satisfy SOCOG's obligations:
 - (i) under the Host City Contract as defined in the *Sydney Organising Committee for the Olympic Games Act 1993* in relation to the provision of integrated road and transport services for the Olympic Games, and
 - (ii) to Sydney Paralympic Organising Committee Limited in relation to the provision of integrated road and transport services for the Paralympic Games,
 - (b) to ensure the involvement of all relevant government agencies in the provision of the services referred to in paragraph (a).
 - (c) to consult and liaise with OCA in relation to the exercise of the Authority's functions with respect to those services,
 - (d) to provide advice and information to OCA on progress with the planning or co-ordination of the provision of those services so as to enable OCA to carry out its functions under section 11 (Olympic Games co-ordination and reporting) of the *Olympic Co-ordination Authority Act 1995*.
 - (e) to exercise its functions in an environmentally and socially responsible manner.
- (5) This section does not preclude other persons or bodies planning, co-ordinating or providing transport services for special events in accordance with this Act and other Acts or laws.

Division 2 Other functions

9 legislative review

The Authority is to participate with relevant government agencies and the Police Service in a review of New South Wales legislation to identify any amendments that are required to ensure that the Authority, government agencies and police officers have the necessary powers for the provision of integrated road and transport services for special events.

10 Ancillary functions

- (1) The Authority may do all things that may be necessary or convenient to be done for or in connection with the exercise of its functions.
- (2) Without limiting subsection (1), the Authority may:
 - (a) conduct any business that is related to its functions under this or any other Act, and for that purpose use any property or the services of any staff of the Authority,
 - (b) acquire, hold and dispose of property,
 - (c) make and enter into contracts or arrangements for the carrying out of works, performance of services or supply of goods or materials.
 - (d) appoint agents, and act as agent for other persons.
- (3) The Authority may do all things that are supplemental or incidental to, or consequential on, the exercise of its functions.
- (4) The Authority may exercise its functions in or outside New South Wales.

Division 3 Miscellaneous

11 Delegation of functions

- (1) The Authority may delegate to an authorised person any of the functions of the Authority (other than this power of delegation).
- (2) A delegate may sub-delegate to an authorised person any function delegated by the Authority if the delegate is authorised in writing to do so by the Authority.
- (3) In this section, *authorised person* means:
 - (a) a member of the staff of the Authority, or
 - (b) a person prescribed by the regulations or approved in writing by the Minister.

Part 4 Management of Olympic Roads and Transport Authority

Division 1 Management of Authority

12 Ministerial control

The Authority is, in the exercise of its functions, subject to the control and direction of the Minister.

13 Chief Executive Officer of Authority

- (1) The Governor may appoint a Chief Executive Officer of the Authority.
- (2) The employment of the Chief Executive Officer is subject to Part 2A of the *Public Sector Management Act 1988*, but is not subject to Part 2 of that Act.

14 Chief Executive Officer to manage affairs of Authority

- (1) The affairs of the Authority are to be managed and controlled by the Chief Executive Officer.
- (2) Any act, matter or thing done in the name of, or on behalf of, the Authority by the Chief Executive Officer is taken to have been done by the Authority.

15 Acting Chief Executive Officer

- (1) The Minister may, from time to time, appoint a person to act in the office of the Chief Executive Officer during the illness or absence of the Chief Executive Officer (or during a vacancy in the office of the Chief Executive Officer) and the person, while so acting, has all the functions of the Chief Executive Officer and is taken to be the Chief Executive Officer.

- (2) A person appointed under this section to act in the office of Chief Executive Officer is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine.
- (3) The Minister may, at any time, remove a person from the office of acting Chief Executive Officer.

Division 2 Board of Authority

16 Board of Authority

- (1) There is to be a Board of the Authority, which is to be an advisory board.
- (2) The Board is to consist of the following part-time members:
 - (a) the Director-General of OCA, who is to be the Chairperson,
 - (b) the Chief Executive Officer of SOCOG,
 - (c) the Chief Executive Officer of the Authority.
 - (d) the Director-General of the Department of Transport.
 - (e) the Chief Executive of the Roads and Traffic Authority,
 - (f) a member of the Police Service who is of or above the rank of Superintendent nominated by the Minister for Police.
- (3) The procedure for the calling of meetings of the Board and for the conduct of business at those meetings is, subject to any determination of the Minister, to be as determined by the Board.

17 Functions of Board

The Board has the following functions:

- (a) to assist the Chief Executive Officer in planning, co-ordinating and providing integrated road and transport services for special events.

- (b) to provide advice to the Chief Executive Officer in relation to:
 - (i) the overall SOCOG and Government planning for the Olympic Games and the Paralympic Games, and
 - (ii) matters concerning special events that impact on the planning, co-ordination and provision of integrated road and transport services for those events, and
 - (iii) matters referred to it by the Chief Executive Officer, and
 - (iv) matters raised by other Board members.

Division 3 Staff of Authority

18 Employment of staff

The Authority may employ such staff as it requires to exercise its functions.

19 Salary, wages and conditions of staff

The Authority may fix the salary, wages and conditions of employment of its staff in so far as they are not fixed by or under any other Act or law.

20 Regulations relating to staff

- (1) The regulations may make provision for or with respect to the employment of the staff of the Authority, including the conditions of employment and the discipline of any such staff.
- (2) Any such regulations relating to the conditions of employment or the discipline of staff:
 - (a) have effect subject to any State industrial instrument to which the Authority is a party, and

- (b) have effect despite any determination of the Authority under section 19, and
- (c) have effect subject to Part 2A of the *Public Sector Management Act 1988*.

Division 4 General provisions

21 Use of staff or facilities of government agencies

The Authority may arrange for the use of the services of any staff (by secondment or otherwise) or facilities of a government agency.

22 Use of consultants and contractors

The Authority may engage such consultants and contractors as the Authority requires to exercise its functions.

Part 5 Transport areas

23 Declaration of transport areas

- (1) The Minister may, by order, declare an area specified in the order to be a transport area.
- (2) The Minister may make a transport area order only if:
 - (a) the Minister is satisfied that the order is required to enable integrated road and transport services to be provided for a special event, and
 - (b) in the case of an order that relates to a transport area in which Olympic venues and facilities are wholly or partly located, the Minister has consulted SOCOG and OCA before making the order.
- (3) As soon as practicable after making a transport area order, the Minister is to cause a copy of the order to be given to any government agency that has any of the functions referred to in section 24 (1) in the transport area concerned.
- (4) In this section, *Olympic venues and facilities* has the same meaning as it has in the *Olympic Co-ordination Authority Act 1995*.

Note. *Olympic venues and facilities* is defined in the *Olympic Co-ordination Authority Act 1995* as meaning venues and facilities that are required for hosting the Olympic Games, including the following:

- (a) venues to conduct sporting events,
- (b) training facilities for competitors,
- (c) media centres and other communication facilities for the media,
- (d) residential accommodation for competitors, officials and members of the media,
- (e) storage facilities for sporting, communication or other equipment,
- (f) catering facilities for venues, training facilities, media centres and residential accommodation,
- (g) helicopter landing facilities,
- (h) any other venue or facility that is prescribed by the regulations under that Act.

24 Government agencies to comply with Authority's directions relating to transport areas

- (1) The Authority may direct a government agency to exercise in a particular way any of the following functions that the government agency has in a transport area:
 - (a) any function relating to the provision of transport,
 - (b) any function relating to the regulation or movement of traffic.
 - (c) any function relating to the provision, regulation or prohibition of parking,
 - (d) any function that might impact on any of the functions of a government agency referred to in paragraphs (a), (b) or (c).
- (2) A government agency is to comply, as far as is reasonably possible, with a direction given to it under this section.

25 Duration of transport area orders

- (1) A transport area order takes effect on the date the order is made or on a later date specified in the order.
- (2) A transport area order remains in force for the period specified in the order.

Part 6 Obligations of transport authorities

26 Obligations of transport authorities

Despite the provisions of any other Act or law, a transport authority has the following obligations in respect of special events:

- (a) to co-operate with the Authority in the exercise of the Authority's functions, including complying with any reasonable request of the Authority for information to enable the Authority to exercise its functions,
- (b) to comply with the Authority's command and control plan for a special event in respect of which notification has been given under section 8 (2) (e),
- (c) to provide resources and assistance in accordance with any request of the Authority that is authorised by or under this Act.
- (d) to notify the Authority of any proposed exercise of the transport authority's functions that may impact adversely on the exercise of the Authority's functions.

Part 7 Service level agreements

27 Authority may enter into service level agreements with transport authorities

- (1) The Authority may enter into service level agreements with transport authorities that set out the obligations of the parties with respect to the provision of integrated road and transport services for special events.
- (2) Despite the provisions of any other Act or law, a transport authority is authorised and empowered to enter into any such agreement with the Authority and may do or suffer anything necessary or expedient for carrying any such agreement into effect.

28 Terms and conditions of service level agreements

A service level agreement:

- (a) may contain such terms and conditions, not inconsistent with this Act or the regulations, as the Authority and the transport authority concerned consider appropriate, and
- (b) is to contain such terms and conditions as may be prescribed by the regulations.

Part 8 Dispute resolution

29 Disputes between Authority and government agencies

- (1) If there is a dispute between the Authority and a government agency concerning the operation of any provision of this Act and the parties have after reasonable efforts been unable to resolve the dispute themselves, either party may request a review of the matter by the responsible Ministers (namely, the Minister responsible for the Authority and the Minister responsible for the government agency concerned).
- (2) If the same Minister is responsible for both the Authority and the government agency concerned, the review is to be by that Minister.
- (3) If the dispute is not resolved by the responsible Ministers or Minister, the dispute is to be referred to the Premier.
- (4) The Authority and the government agency concerned are to give effect to any decision of a Minister or the Premier in resolution of the dispute.
- (5) A reference in this section to the Minister responsible for a government agency is, in the case of a government agency that is a local council, a reference to the Minister administering, the *Local Government Act 1993*.

30 Disputes between transport authorities

- (1) If there is a dispute between two or more transport authorities concerning the operation of any provision of this Act and the parties have after reasonable efforts been unable to resolve the dispute themselves, the matter is to be referred to the Authority.
- (2) The Authority is to review the matter and the transport authorities concerned are to give effect to any decision of the Authority in resolution of the dispute.

Part 9 Miscellaneous

31 Test events

- (1) The Premier may, by written order, declare an event specified in the order to be a test event.
- (2) As soon as practicable after making the order, the Premier is to cause a copy of the order to be given to the Authority and to any government agency that has any functions relating to the provision of road and transport services in respect of the test event.

32 No liability in nuisance

Anything done or omitted to be done by the Authority, or any person authorised by the Authority, in the exercise of its functions under this Act does not constitute a nuisance.

33 Powers of certain government agencies

Despite the provisions of any other Act or law, a government agency that is not a transport authority is:

- (a) authorised to exercise any of its functions in order to comply with a request, direction or decision of the Authority made or given under this Act, and
- (b) authorised and empowered to enter into agreements for the purposes of this Act with the Authority and may do or suffer anything necessary or expedient for carrying any such agreement into effect.

34 Disclosure and misuse of information

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of this Act, or

36 Financial year

- (1) The financial year of the Authority is the year commencing on 1 July.
- (2) A different financial year may be determined by the Treasurer under section 4 (IA) of the *Public Finance and Audit Act 1983*.

37 Investment

The Authority may invest money held by it:

- (a) in the manner authorised by the *Public Authorities (Financial Arrangements) Act 1987*, or
- (b) if that Act does not confer power on the Authority to invest the money, in any other manner approved by the Minister with the concurrence of the Treasurer.

38 Service of documents

- (1) A document may be served on the Authority by leaving it at, or by sending it by post, telex, facsimile transmission or document exchange facility to:
 - (a) the office of the Authority, or
 - (b) if it has more than one office—anyone of its offices.
- (2) Nothing in this section affects the operation of any provision of a law or of the rules of a court authorising a document to be served on the Authority in any other manner.

39 Seal of Authority

The seal of the Authority is to be kept by the Chief Executive Officer, or by a member of the staff of the Authority authorised in that behalf by the Chief Executive Officer, and may be affixed to a document only:

- (a) in the presence of the Chief Executive Officer or that member, and
- (b) with an attestation by the signature of the Chief Executive Officer or that member of the fact of the affixing of the seal.

40 Recovery of money

Any charge, fee or money due to the Authority may be recovered as a debt in a court of competent jurisdiction.

41 Proceedings for offences

Proceedings for an offence against this Act or the regulations are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

42 Offences by corporations

- (1) If a corporation contravenes any provision of this Act or the regulations, each person who is a director of the corporation or who is concerned in the management of the corporation is taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.
- (2) A person may be proceeded against and convicted under a provision pursuant to subsection (1) whether or not the corporation has been proceeded against or convicted under that provision.
- (3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation under this Act or the regulations.

43 Act to bind Crown

This Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.

44 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

- (2) The regulations may apply, adopt or incorporate, whether wholly or in part or with or without modification, the provisions of any Act or regulation or any other publication as in force at a particular time or from time to time;
- (3) A regulation may create an offence punishable by a penalty not exceeding 25 penalty units.

45 Specific authorisations for section 51 of Trade Practices Act 1974 (Cth) and Competition Code

- (1) The following are specifically authorised by this Act for the purposes of the *Trade Practices Act 1974* of the Commonwealth and the *Competition Code of New South Wales*:
 - (a) anything done or omitted to be done by the Authority, and anything done or omitted to be done on its behalf by members of the staff of the Authority, agents or other duly authorised persons, in the course of exercising the functions conferred or imposed on the Authority by this Act.
 - (b) the entering into of any agreement by or with the Authority in accordance with this Act.
 - (c) the doing of anything preparatory or incidental to the entering into of any such agreement.
 - (d) anything done under any such agreement.
- (2) A regulation made under Part 1 of Schedule 2 may declare that this section extends to any agreement specified in the regulation and this section applies to any such agreement accordingly.
- (3) In this section:
agreement includes a contract, arrangement or understanding.

46 Amendment of Acts

The Acts specified in Schedule 1 are amended as set out in that Schedule.

47 Savings, transitional and other provisions

Schedule 2 has effect.

48 Review of Act

- (1) As soon as practicable after the conclusion of the Paralympic Games, the Minister is to conduct a review of this Act.

- (2) As soon as practicable after the review is completed, and in any event before the dissolution of the Authority under section 49, the Minister is to cause a report of the results of that review to be tabled in each House of Parliament.
- (3) The report under subsection (2) is to include the following:
 - (a) details of the total capital and recurrent costs of the Authority since its constitution by this Act.
 - (b) recommendations for improving the management of public transport services for major events,
 - (c) any other information that the Board considers relevant.

49 Dissolution of Authority and Board

- (1) This section takes effect on 15 September 2001.
- (2) The Authority is dissolved.
- (3) Before the dissolution of the Authority, the Minister may make an order for the transfer or disposal of the assets, and the transfer of the rights and liabilities, of the Authority to an authority or body determined by the Minister. Any such order has effect according to its tenor.
- (4) Any such order may make provision for or with respect to the staff of the Authority (including the transfer of staff or other provision relating to staff).
- (5) On the dissolution of the Authority:
 - (a) any assets, rights and liabilities of the Authority referred to in any such order are transferred, or disposed of, as the case requires, in accordance with the order, and
 - (b) any remaining assets, rights and liabilities of the Authority are transferred to the Crown.
- (6) The regulations may make provision for or with respect to any matter that is consequent on the dissolution of the Authority.
- (7) Any such regulation may take effect from a date that is earlier than the date of its publication in the Gazette.

- (8) To the extent to which any such regulation takes effect from an earlier date, the regulation does not operate so as:
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.
- (9) The Board is dissolved.
- (10) A person who immediately before the dissolution of the Board held office as a member of the Board:
- (a) ceases to hold that office. and
 - (b) is not entitled to any remuneration or compensation because of the loss of that office.

50 Expiry of Act

This Act expires on a date to be appointed by proclamation.

Schedule 1 Amendment of Acts

(Section 46)

1.1 First State Superannuation Act 1992 No 100

Schedule 1 Employers

Insert at the end of Part 1:

Olympic Roads and Transport Authority

1.2 Freedom of Information Act 1989 No 5

Schedule 1 Exempt documents

Omit "or the Olympic Co-ordination Authority" from clause 22.
Insert instead " , the Olympic Co-ordination Authority or the Olympic Roads and Transport Authority".

1.3 Public Authorities (Financial Arrangements) Act 1987 No 33

Schedule 1 Authorities

Insert in alphabetical order:

Olympic Roads and Transport Authority.

1.4 Public Finance and Audit Act 1983 No 152

[1] Schedule 2 Statutory bodies

Insert in alphabetical order:

Olympic Roads and Transport Authority.

[2] Schedule 3 Departments

Omit the matter relating to the Olympic Roads and Transport Authority.

1.5 Public Sector Management Act 1988 No 33

[1] Schedule 1 Departments

Omit the matter relating to the Olympic Roads and Transport Authority.

[2] Schedule 3 Declared authorities

Insert in alphabetical order:

Olympic Roads and Transport Authority

[3] Schedule 3A Chief executive positions

Insert in alphabetical order of public authorities in Part 3:

Chief Executive Officer of the Olympic Roads and Transport Authority

1.6 State Authorities Non-contributory Superannuation Act 1987 No 212

Schedule 1 Employers

Insert at the end of Part 1:

Olympic Roads and Transport Authority

1.7 State Authorities Superannuation Act 1987 No 211

Schedule 1 Employers

Insert at the end of Part 1:

Olympic Roads and Transport Authority

1.8 Superannuation Act 1916 No 28

Schedule 3 List of employers

Insert at the end of Part 1:

Olympic Roads and Transport Authority

Schedule 2 Savings, transitional and other provisions

(Section 47)

Part 1 Preliminary

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Part 2 Provisions consequent on enactment of this Act

2 Definitions

In this Part:

assets means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents.

former department means the Olympic Roads and Transport Authority established as a department of the Public Service and existing immediately before the commencement of this Part.

liabilities means all liabilities, debts or obligations (whether present or future and whether vested or contingent).

member of the staff of the former department means an officer or employee of the former department but does not include the Chief Executive of the former department.

rights means all rights, powers, privileges and immunities (whether present or future and whether vested or contingent).

3 Abolition of former department

The former department is abolished.

4 Transfer of former department assets and liabilities

- (1) The Minister may direct, by order in writing, that any of the assets, rights and liabilities of the State that the Minister is of the opinion relate to the former department be transferred to the Authority.
- (2) Such an order may be made on such terms and conditions as are specified or referred to in the order.

5 Vesting of assets in Authority

- (1) When any assets, rights or liabilities are transferred under this Part, the following provisions have effect:
 - (a) the transferred assets vest in the Authority by virtue of this clause and without the need for any conveyance, transfer, assignment or assurance,
 - (b) the transferred rights or liabilities become by virtue of this clause the rights or liabilities of the Authority,
 - (c) all proceedings relating to the transferred assets, rights or liabilities commenced before the transfer by or against the State and pending immediately before the transfer are taken to be proceedings pending by or against the Authority,
 - (d) any act, matter or thing done or omitted to be done in relation to the transferred assets, rights or liabilities before the transfer by, to or in respect of the State is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Authority.

- (2) The regulations may provide for references in any Act, in any instrument made under any Act or in any document of any kind to the former department or an officer of the former department to be construed as references to the Authority, the Chief Executive Officer or a member of the staff of the Authority.
- (3) The operation of this clause is not to be regarded:
 - (a) as a breach of contract or confidence or otherwise as a civil wrong, or
 - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
 - (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability.
- (4) The operation of this clause is not to be regarded as an event of default under any contract or other instrument.
- (5) No attornment to the Authority by a lessee from the State is required.
- (6) A transfer is subject to the terms and conditions of the order by which it is effected.

6 Date of vesting

A transfer under this Part takes effect on the date specified in the order by which it is effected.

7 Duty not payable

Duty is not chargeable in respect of:

- (a) a transfer under this Part, or
- (b) anything certified by the Minister as having been done in consequence of such a transfer (for example, the transfer or conveyance of an interest in land).

8 Chief Executive of former department

- (1) The person who, immediately before the abolition of the former department, held office as Chief Executive of the former department is, subject to this Act, taken to have been duly appointed under this Act as Chief Executive Officer:
 - (a) for the rest of the term of office for which the person was appointed as Chief Executive of the former department.
and
 - (b) under the same terms and conditions as those agreed on by the person and by or on behalf of the Government and applicable to the person as Chief Executive of the former department.
- (2) A person holding office as, or acting in the office of, Chief Executive of the former department on the abolition of the former department is not prevented from also holding office as the head of a transport authority.
- (3) To remove doubt, it is declared that the acceptance or assumption of the office of the Chief Executive of the former department by the person who held that office immediately before the abolition of the former department did not result in that person vacating any other office held by the person at the time of the acceptance or assumption.

9 Staff of former department

- (1) On the abolition of the former department, each member of the staff of the former department is transferred to the employment of the Authority.
- (2) Each such member of the staff becomes after the transfer a member of the staff of the Authority and continues (until other provision is duly made) to be employed in accordance with the awards, agreements and determinations applying, immediately before the transfer, to that member.
- (3) Neither the contract of employment nor the period of employment of each member of the staff concerned is taken to have been broken by the operation of this Act for the purposes of any law, award or agreement relating to the employment of that member.

- (4) Without limiting this clause, this Act does not affect any accrued rights that the member of the staff concerned had immediately before the transfer in relation to any kind of leave.
- (5) A member of the staff concerned is not entitled to receive any payment or other benefit merely because the member ceases to be an employee of the former department.
- (6) A member of the staff concerned is not entitled to claim, both under this Act and under any other Act, dual benefits of the same kind for the same period of service.

10 Existing delegations

A delegation by the Chief Executive of the former department of any of the Chief Executive's functions under any Act in force immediately before the commencement of clause 3 of this Schedule is, to the extent that the function is exercisable by the Authority and the delegation could be made under section 11, taken to be a delegation under that section.

[Minister's second reading speech made in—
Legislative Assembly on 14 October 1998
Legislative Council on 21 October 1998]