



New South Wales

# Transport Legislation Amendment Act 2011 No 41

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New South Wales

# Transport Legislation Amendment Act 2011 No 41

Act No 41, 2011

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An Act to amend the *Transport Administration Act 1988* to establish Transport for NSW and the Transport Service and to make further provision with respect to the administration of public transport in New South Wales; and for other purposes.  
[Assented to 13 September 2011]

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**The Legislature of New South Wales enacts:**

**1    Name of Act**

This Act is the *Transport Legislation Amendment Act 2011*.

**2    Commencement**

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] Section 2A Objects of Act**

Omit section 2A (b). Insert instead:

- (b) to promote the integration of the transport system,

### **[2] Section 2B**

Insert after section 2A:

#### **2B Common objectives and service delivery priorities of public transport agencies**

- (1) Public transport agencies are to exercise their functions in a manner that promotes the following objectives, which are the common objectives of public transport agencies:
  - (a) **Customer focus**  
To put the customer first and design the transport system around the needs and expectations of the customer.
  - (b) **Economic development**  
To enable the transport system to support the economic development of the State (with a focus on freight transport systems).
  - (c) **Planning and investment**  
To ensure that good planning informs investment strategies.
  - (d) **Coherence and integration**  
To promote coherence and integration across all transport modes and all stages of decision making.
  - (e) **Performance and delivery**  
To focus on performance and service delivery, based on a strong purchaser-provider model with clear accountabilities for outcomes.
  - (f) **Efficiency**  
To achieve greater efficiency:
    - (i) in the delivery of transport infrastructure projects, and
    - (ii) through improved coordination of freight, maritime and ports operations, and their integration into the transport system, and

- (iii) by eliminating duplication of functions and resources, and
  - (iv) by outsourcing the delivery of non-core services.
  - (g) **Environmental sustainability**  
To promote the delivery of transport services in an environmentally sustainable manner.
  - (h) **Social benefits**  
To contribute to the delivery of social benefits for customers, including greater inclusiveness, accessibility and quality of life.
  - (i) **Safety**  
To provide safe transport services in accordance with a safety regulatory framework.
- (2) Public transport agencies are to determine their service delivery priorities having regard to the Director-General's expectations for service delivery established by a Statement of Expectations issued annually to public transport agencies by the Director-General.

**[3] Section 3 Definitions**

Omit the definitions of *Advisory Council*, *Roads and Traffic Authority* and *Transport NSW* from section 3 (1).

**[4] Section 3 (1)**

Insert in alphabetical order:

*Advisory Board* means the Transport Advisory Board established under Part 5.

*public transport agency* means TfNSW, RailCorp, RMS, the State Transit Authority, the Transport Construction Authority, the Country Rail Infrastructure Authority, Sydney Ferries and their public or private subsidiary corporations.

*Roads and Maritime Services* (or *RMS*) means Roads and Maritime Services constituted under this Act.

*Transport for NSW* (or *TfNSW*) means Transport for NSW constituted under this Act.

*transport infrastructure* means infrastructure used for or in connection with or to facilitate the movement of persons and freight by road, rail, sea, air or other mode of transport, and includes:

- (a) railways and railway infrastructure, and

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- (b) roads and road infrastructure, and
  - (c) maritime infrastructure and ports, and
  - (d) transport safety infrastructure, and
  - (e) systems, works, structures, buildings, plant, machinery and equipment that are associated with or incidental to transport infrastructure.

**transport legislation** means the following Acts and the regulations under those Acts:

- (a) this Act,
- (b) the *Passenger Transport Act 1990*,
- (c) the *Ports and Maritime Administration Act 1995*,
- (d) the *Roads Act 1993*,
- (e) an Act that forms part of the road transport legislation as defined in the *Road Transport (General) Act 2005*,
- (f) the *Tow Truck Industry Act 1998*,
- (g) the marine legislation as defined in the *Ports and Maritime Administration Act 1995*,
- (h) an Act that is prescribed by the regulations for the purposes of this definition.

**Transport Service** means the Transport Service of New South Wales referred to in section 68B.

**transport services** include railway services (including heavy rail, metro rail and light rail services), bus services and ferry services.

**transport system** means the transport services and transport infrastructure of the State for all modes of transport.

**[5] Sections 3 (1) (definition of “Director-General”) and 104V (2)**

Omit “Transport NSW” wherever occurring.

Insert instead “the Department of Transport”.

**[6] Section 3B Ministerial responsibility and delegation**

Insert after section 3B (1) (a):

- (a1) TfNSW,

- [7] **Sections 3B (1) (b), 50 (1) and (2), 53, 55A (c), 56 (a), 65 (paragraph (c) of the definition of “transport authority”), 78 (1) (a) (i) and (iii), (b) and (d), 81A, 99B (3) (b), 105, 106 (1), 106A (1) and (4), 107 (1) (c), 109 (2) and 119 (1A), clause 1 of Schedule 2, clause 2 of Schedule 5 and clause 13C (1) (a) and (4) of Schedule 6A**

Omit “Roads and Traffic Authority”, “the Roads and Traffic Authority” and “The Roads and Traffic Authority” wherever occurring.

Insert instead “RMS”.

- [8] **Part 1A**

Omit the Part. Insert instead:

## **Part 1A Transport for NSW**

### **3C Constitution and management of TfNSW**

- (1) There is constituted by this Act a corporation with the corporate name of Transport for NSW.
- (2) TfNSW is a NSW Government agency.
- (3) The affairs of TfNSW are to be managed and controlled by the Director-General.
- (4) Any act, matter or thing done in the name of, or on behalf of, Transport for NSW by the Director-General is taken to have been done by Transport for NSW.

### **3D Objectives of TfNSW**

The objectives of Transport for NSW are as follows:

- (a) to plan for a transport system that meets the needs and expectations of the public,
- (b) to promote economic development and investment,
- (c) to provide integration at the decision-making level across all public transport modes,
- (d) to promote greater efficiency in the delivery of transport infrastructure projects,
- (e) to promote the safe and reliable delivery of public transport and freight services.

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**3E Functions of TfNSW**

- (1) TfNSW has the functions set out in Schedule 1.
- (2) TfNSW has such other functions as are conferred or imposed on it by or under this or any other Act.
- (3) The functions of TfNSW do not limit the functions of the Director-General as head of the Department of Transport.
- (4) TfNSW cannot employ any staff.

**Note.** Staff may be employed under Part 7A in the Transport Service to enable TfNSW to exercise its functions.

**3F Corporate plan for TfNSW**

TfNSW is to prepare and make publicly available a corporate plan for the activities of TfNSW in the next 5 financial years. TfNSW is to revise the corporate plan annually.

**3G Directions by TfNSW to public transport agencies**

- (1) TfNSW may, for the purpose of exercising its functions, give directions to the following bodies in relation to the exercise of their functions:
  - (a) RailCorp,
  - (b) RMS,
  - (c) State Transit Authority,
  - (d) Sydney Ferries,
  - (e) Transport Construction Authority,
  - (f) Country Rail Infrastructure Authority,
  - (g) a public or private subsidiary corporation (as referred to in Part 6B) of any of those bodies.
- (2) A body referred to in subsection (1) is required to provide TfNSW, at such times and in such form as TfNSW directs, with the following:
  - (a) the operating and capital works budget of the body for the next year and forward years,
  - (b) any other information held by or relating to the body that TfNSW considers is required for the purposes of exercising its functions.

**Note.** This Act provides that the Chief Executive of a body referred to in paragraphs (a)–(f) is, in managing the affairs of the body, to do so in accordance with any directions of TfNSW under this section.

If a budget of the body is required to be changed as a result of a direction of TfNSW under this section, the body is to provide the revised budget to TfNSW.

- (3) This section is not subject to any contract under clause 1 (e) of Schedule 1 with a body referred to in subsection (1).

**3H Review by relevant safety regulator of directions relating to transport safety matters**

- (1) In this section:

*direction* means a direction given by TfNSW under section 3G to a body (a *transport authority*).

*relevant safety regulator* means:

- (a) in the case of a direction relating to rail services or infrastructure—the Independent Transport Safety Regulator, or
- (b) in the case of a direction relating to bus services—the Independent Transport Safety Regulator (but only if the ITSr is, in accordance with an arrangement under section 6B of the *Passenger Transport Act 1990*, assisting TfNSW in connection with the exercise of the functions of TfNSW under that Act in relation to bus services), or
- (c) in the case of a direction relating to ferry services—Roads and Maritime Services.

*safety management system* of a transport authority means any safety management system that the authority is required to have:

- (a) under section 9D or 53D of the *Passenger Transport Act 1990*, or
- (b) under section 12 of the *Rail Safety Act 2008*.

- (2) A transport authority may advise TfNSW of the likely impact on its safety management system of compliance with a direction of TfNSW (including whether the authority needs to make appropriate modifications to its safety management system before it is able to comply with the direction).
- (3) As a result of that advice, TfNSW may:
- (a) change or revoke the direction, or
- (b) suspend the direction and request the relevant safety regulator to review the likely impact of the direction.
- (4) If:
- (a) TfNSW does not change, revoke or suspend the direction, and

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- (b) the transport authority considers that as a result of the direction it will not be able to comply with its safety management system,  
the transport authority may, within 14 days after receiving the direction, request the relevant safety regulator to review the likely impact of the direction. Any such request operates to suspend the direction.
- (5) The relevant safety regulator is to review the likely impact of the direction on the safety management system within 14 days after being requested to do so, and notify TfNSW and the transport authority of the result of its review.
- (6) TfNSW may, as a result of the review, confirm, change or revoke the direction.
- (7) Unless a suspended direction is sooner revoked, the suspension of the direction ceases:
- (a) at the end of the period of 14 days after the relevant safety regulator is requested to review the likely impact of the direction, or
- (b) at such time TfNSW decides, as a result of the review, to change or confirm the direction,  
whichever first occurs. However, TfNSW may extend the suspension beyond the period that it would otherwise cease under this subsection.
- (8) TfNSW may, without limiting any other provision of this section, request the relevant safety regulator for advice on the safety implications of a direction or proposed direction.

**31 Delegation of TfNSW's functions**

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

**3J Acceptance of delegated functions by TfNSW**

- (1) TfNSW may accept a delegation of the functions of a public transport agency.
- (2) A public transport agency is authorised to delegate any function of the agency to TfNSW.

**3K Disclosure of information by agencies to TfNSW**

- (1) A public transport agency is authorised to disclose information held by the agency to TfNSW if the disclosure is for the purpose of assisting TfNSW to exercise its functions under this or any other Act or is for the purpose of complying with a requirement imposed by TfNSW.
- (2) The authority conferred by this section applies despite any provision of any other Act that would otherwise prevent the disclosure of information by the public transport agency concerned.

**3L Annual report**

A report under the *Annual Reports (Departments) Act 1985* in respect of the Department of Transport may include any report required to be made annually in respect of TfNSW under the *Annual Reports (Statutory Bodies) Act 1984*.

**[9] Section 8 Metropolitan rail area access functions**

Insert after section 8 (1):

- (1A) TfNSW has responsibility for determining the terms of any standard access agreement to be used by RailCorp in connection with the provision of access pursuant to a rail access undertaking.

**[10] Sections 11 (4), 16 (1), 17B, 17F (3) (b), 18C (2), 18E (4), 18G (2), 18I (3) (b), 19E (2), 19G (3) (b), 28 (1), 31, 35 (3) (b), 35F (4), 35K (1), 35N, 35QA (3) (b), 42A (paragraph (e) of the definition of "transport authority"), 42E (4), 42F (1), 42J (d), 44, 55A (a), 55B (3), 66, 104O, 104P (3), 104R (2), 104U, 111 (1A), 113 (1) and 122 (definition of "rail authority"), clauses 13 and 16 of Schedule 6A and clause 1 of Schedule 6B (definition of "rail authority")**

Omit "The Director-General" and "the Director-General" wherever occurring.

Insert instead "TfNSW".

**[11] Sections 16 (1), 18G (2), 19E (2), 28 (1), 35K (1) and 55B (3)**

Omit "section 3D" wherever occurring. Insert instead "section 3G".

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**[12] Section 35C Sydney ferry services**

Omit section 35C (1)–(3). Insert instead:

- (1) Sydney Ferries may operate Sydney ferry services.

**[13] Sections 42A (paragraph (c) of the definition of “transport authority”) and 42J (d)**

Omit “the Maritime Authority of NSW” wherever occurring.

Insert instead “RMS”.

**[14] Section 42I**

Omit the section. Insert instead:

**42I Power of ITSR to give directions relating to safe operation of transport services**

- (1) The ITSR may give directions to TfNSW relating to the safe operation of transport services and associated matters but only in relation to a function of a kind that was exercisable by the Director-General before 1 July 2010 (being the date of commencement of the *Transport Administration Amendment Act 2010*).
- (2) The ITSR may give directions to RMS relating to the safe operation of a public passenger service (within the meaning of the *Passenger Transport Act 1990*) carried on by means of a ferry, and associated matters.
- (3) If TfNSW or RMS considers that complying with any such direction may cause a significant variation in the funding required for the operations of TfNSW or RMS, TfNSW or RMS must request the ITSR to review the decision.
- (4) A request for a review must be made within 7 days after the direction is given or within such other reasonable period as the ITSR determines.
- (5) If TfNSW or RMS requests a review in accordance with this section:
  - (a) TfNSW or RMS (as the case requires) may request the ITSR to provide a written record of the direction if it was not given in writing, and
  - (b) TfNSW or RMS (as the case requires) is not to comply with the direction until notified of the ITSR’s decision following the review.

- (6) Following the review, the ITSr may confirm or revoke the direction but the ITSr is not to confirm the direction unless:
- (a) the ITSr has estimated the variation in the financial requirements from the information supplied by TfNSW or RMS, and
  - (b) the ITSr has referred the matter to the Minister, and
  - (c) the Minister, after consultation with the Treasurer, has approved the direction.

**[15] Section 42P Limitations on Ministerial control of ITSr**

Omit “section 42I (5)” from section 42P (2) (f).  
Insert instead “section 42I (6)”.

**[16] Section 42P (2) (g)**

Omit “section 3E”. Insert instead “section 3H”.

**[17] Part 5 Transport Advisory Council**

Omit “Advisory Council” wherever occurring (including the Part heading).  
Insert instead “Advisory Board”.

**[18] Section 43 (2) (a), clauses 4 (3) (a) and 5 (3) (a) of Schedule 8A and clauses 4 (3) (a) and 5 (3) (a) of Schedule 9**

Omit “Transport NSW” wherever occurring.  
Insert instead “the Department of Transport or of the Transport Service”.

**[19] Section 44 Functions of Advisory Board**

Omit section 44 (2).

**[20] Part 6, heading**

Omit “Roads and Traffic Authority”.  
Insert instead “Roads and Maritime Services”.

**[21] Sections 45E (1) (paragraph (b) of the definition of “traffic route”), 50, 52A, 53 (1) (a), 53A, 53B, 53C, 80A, 80B, 80C and 105 (1)**

Omit “The Authority”, “the Authority” and “the Authority’s” wherever occurring.  
Insert instead “RMS”, “RMS” and “RMS’s”, respectively.

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**[22] Part 6, Division 1A**

Omit the Division. Insert instead:

**Division 1A Constitution and management of Roads and Maritime Services**

**46 Constitution of RMS**

- (1) There is constituted by this Act a corporation with the corporate name of Roads and Maritime Services.
- (2) RMS is a NSW Government agency.

**47 Chief Executive of RMS**

The Director-General may, with the approval of the Minister, appoint a Chief Executive of Roads and Maritime Services.

**Note.** Schedule 2 contains ancillary provisions relating to the Chief Executive of RMS.

**48 Chief Executive to manage RMS**

- (1) The affairs of RMS are to be managed and controlled by the Chief Executive of RMS in accordance with any directions of TfNSW under section 3G.
- (2) Any act, matter or thing done in the name of, or on behalf of, RMS by the Chief Executive is taken to have been done by RMS.

**[23] Part 6, Division 1B, heading**

Omit “Roads and Traffic Authority”. Insert instead “RMS”.

**[24] Section 49A**

Insert before section 50:

**49A General functions of RMS**

- (1) RMS has the functions conferred or imposed on it by or under the transport legislation or any other Act.
- (2) RMS cannot employ any staff.

**Note.** Staff may be employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in the Government Service to enable RMS to exercise its functions.

**[25] Section 50 Delegation**

Omit section 50 (3). Insert instead:

- (3) In this section, *authorised person* means:
  - (a) the Director-General, or
  - (b) a member of staff of TfNSW, or
  - (c) a member of staff of RMS, or
  - (d) a person of a class prescribed by the regulations.

**[26] Section 65 Definitions**

Omit paragraph (a) of the definition of *transport authority*. Insert instead:

- (a) the Department of Transport,
- (a1) TfNSW,

**[27] Part 7A**

Insert after Part 7:

## **Part 7A The Transport Service**

### **68B The Transport Service**

The Transport Service of New South Wales consists of those persons who are employed under this Part by the Government of New South Wales in the service of the Crown.

### **68C Employment of staff in the Transport Service**

- (1) The Government of New South Wales may employ staff under this Part to enable TfNSW to exercise its functions.
- (2) The Director-General exercises, on behalf of the Government of New South Wales, the employer functions of the Government in relation to the staff employed in the Transport Service.

### **68D Salary, conditions etc of staff employed in the Transport Service**

- (1) The Director-General may fix the salary, wages and conditions of employment of staff employed under this Part in so far as they are not fixed by or under any other law.
- (2) The Director-General may enter into an agreement with any association or organisation representing a group or class of members of the Transport Service with respect to the conditions of employment (including salaries, wages or remuneration) of

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that group or class in so far as they are not fixed by or under any other law.

**68E Regulations relating to staff employed in the Transport Service**

- (1) The regulations may make provision for or with respect to the employment of members of the Transport Service, including the conditions of employment and the discipline of any such members.
- (2) Any such regulations relating to the conditions of employment or the discipline of staff have effect:
  - (a) despite any determination of the Director-General under section 68D (1), and
  - (b) subject to any relevant award made by a competent industrial tribunal and to any industrial agreement to which the Director-General is a party.

**68F Extended leave entitlements**

Schedule 3 to the *Public Sector Employment and Management Act 2002* applies (with any necessary modifications) to or in respect of the members of the Transport Service in the same way as it applies to officers and temporary employees in the Public Service.

**Note.** Schedule 3A (Recognition of prior government service for public sector employees extended leave entitlements) to the *Public Sector Employment and Management Act 2002* also applies to members of the Transport Service (which is a "public sector service" within the meaning of that Act).

**68G Transport Senior Service**

- (1) The Transport Senior Service comprises the persons holding positions in the Transport Service that have a salary not less than the minimum salary applicable to a Transport Senior Service Level 1 position.
- (2) For the purposes of this section, *executive position* means a position referred to in subsection (1) and *executive officer* means a person holding such a position.
- (3) The employment of an executive officer may be governed by, or otherwise be subject to, a contract of employment between the officer and the Director-General.
- (4) The employment of an executive officer, or any matter, question or dispute relating to any such employment, is not an industrial matter for the purposes of the *Industrial Relations Act 1996*.

- (5) Part 6 (Unfair dismissals), Part 7 (Public sector promotion and disciplinary appeals) and Part 9 (Unfair contracts) of Chapter 2 of the *Industrial Relations Act 1996* do not apply to or in respect of the employment of an executive officer.
- (6) Any State industrial instrument (whether made before or after the commencement of this section) does not have effect in so far as it relates to the employment of executive officers.
- (7) Subsection (6) does not however prevent the Director-General from applying the provisions of an award or industrial agreement (including a determination under section 68D) to the employment of an executive officer.
- (8) No proceedings for an order in the nature of prohibition, certiorari or mandamus or for a declaration or injunction or for any other relief, lie in respect of the appointment of or failure to appoint a person to an executive position, the entitlement or non-entitlement of a person to be so appointed or the validity or invalidity of any such appointment.
- (9) This section prevails over any inconsistent provision of any other Act or law or of the terms of appointment of, or contract of employment with, an executive officer.
- (10) In this section:  
*employment* of an executive officer means:
  - (a) the appointment of, or failure to appoint, a person to a vacant executive position, or
  - (b) the removal, retirement, termination of employment or other cessation of office of the executive officer, or
  - (c) any disciplinary proceedings or disciplinary action taken against the executive officer, or
  - (d) the remuneration or conditions of employment of the executive officer.

**68H Transfer of staff within the Transport Service**

- (1) The Director-General may, subject to this section, transfer a member of the Transport Service to another position within the Transport Service, following consultation with the member of staff.

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- (2) The following provisions apply to the transfer of a person under this section:
- (a) the transfer is to be made at the person's existing level of remuneration, unless the person consents to the transfer at a lower level of remuneration,
  - (b) the Director-General must be satisfied that the person possesses the essential qualifications specified for the other position and the work assigned to the other position is appropriate to the skills and qualifications of the person,
  - (c) the person is entitled, on the transfer date, to any conditions of employment applicable to that person under section 67 immediately before the transfer, until such time as further provision is made under this Act or any other law.

**68I Incapable staff member may be retired**

If:

- (a) a member of the Transport Service is found on medical grounds to be unfit to discharge or incapable of discharging his or her duties as such a member, and
- (b) the person's unfitness or incapacity:
  - (i) appears likely to be of a permanent nature, and
  - (ii) has not arisen from actual misconduct on the part of the person, or from causes within the person's control,

the Director-General may cause the person to be retired.

**68J Operation of privacy legislation**

Any staff who are employed under this Part in the Transport Service are, for the purposes of the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*, taken to be part of TfNSW.

**68K Miscellaneous provisions relating to civil liability**

- (1) Part 5 of the *Workers Compensation Act 1987* applies to work injury damages recoverable from the Government of New South Wales, and to work injury damages recoverable from TfNSW, by or in respect of a person employed in the Transport Service. That Part so applies as if TfNSW:
  - (a) were an employer of the person in addition to the Government, and

- (b) were an employer liable to pay compensation under that Act.
- (2) A policy of insurance may be issued to the Government of New South Wales under the *Workers Compensation Act 1987* that is limited to workers employed in the Transport Service.
- (3) If:
  - (a) a person is employed in the Transport Service, and
  - (b) the Government of New South Wales is, as the person's employer, proceeded against for any negligence or other tort of the person (whether the damages are recoverable in an action for tort or breach of contract or in any other action), and
  - (c) TfNSW is entitled under a policy of insurance or indemnity to be indemnified in respect of liability that TfNSW may incur in respect of that negligence or other tort,the Government is subrogated to the rights of TfNSW under that policy in respect of the liability incurred by the Government arising from that negligence or other tort.
- (4) In this section:  
*work injury damages* means damages recoverable from TfNSW or the Government of New South Wales in respect of injury to or the death of a person employed in the Transport Service caused by the negligence or other tort of TfNSW or the Government and arising out of the employment of the person by the Government, whether the damages are recoverable in an action for tort or breach of contract or in any other action, but does not include motor accident damages to which Chapter 5 of the *Motor Accidents Compensation Act 1999* applies.

**68L Construction of references relating to staff**

In this or any other Act, or in any instrument made under this or any other Act or in any other instrument of any kind, a reference to a member of staff or employee (however described) of TfNSW is to be read as a reference to a member of the Transport Service.

**68M Delegation of Director-General's functions under this Part**

The Director-General may delegate any of the Director-General's functions under this Part (other than this power of delegation) to a member of the Transport Service or a member of staff of the Department of Transport.

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**[28] Section 70 Payments into RailCorp Fund**

Omit section 70 (c) (i). Insert instead:

- (i) appropriated by Parliament for the purposes of TfNSW and allocated to RailCorp by TfNSW, or

**[29] Section 72B Payments into TCA Fund**

Omit section 72B (c) (i). Insert instead:

- (i) appropriated by Parliament for the purposes of TfNSW and allocated to the Transport Construction Authority by TfNSW, or

**[30] Section 74 Payments into State Transit Authority Fund**

Omit section 74 (b1) (i). Insert instead:

- (i) appropriated by Parliament for the purposes of TfNSW and allocated to the State Transit Authority by TfNSW, or

**[31] Part 8, Division 2A**

Insert after Division 2:

**Division 2A Financial provisions relating to Transport for NSW**

**76A TfNSW Fund**

There is established in the Special Deposits Account a fund called the Transport for NSW Fund (the *TfNSW Fund*).

**76B Payments into TfNSW Fund**

There is to be paid into the TfNSW Fund:

- (a) all money received by or on account of Transport for NSW, and
- (b) all money advanced to Transport for NSW by the Treasurer, and
- (c) all money appropriated by Parliament for the purposes of Transport for NSW, and
- (d) all other money required by or under this or any other Act to be paid into the TfNSW Fund.

**76C Payments from TfNSW Fund**

There is to be paid from the TfNSW Fund:

- (a) all payments made on account of Transport for NSW or otherwise required to meet expenditure incurred in relation to the functions of TfNSW, and
- (b) all other payments required by or under this or any other Act to be paid from the TfNSW Fund.

**[32] Part 8, Division 3, heading**

Omit “**Roads and Traffic Authority**”.

Insert instead “**Roads and Maritime Services**”.

**[33] Section 77**

Omit the section. Insert instead:

**77 RMS Fund**

There is established in the Special Deposits Account in the Treasury a fund called the Roads and Maritime Services Fund (the *RMS Fund*).

**[34] Sections 78–80, 80B (4) and 106A (3)**

Omit “Roads and Traffic Authority Fund” wherever occurring.

Insert instead “RMS Fund”.

**[35] Section 78 Payments into RMS Fund**

Omit section 78 (1) (a) (ii). Insert instead:

- (ii) appropriated by Parliament for the purposes of TfNSW and allocated to RMS by TfNSW, or

**[36] Section 79 Payments from RMS Fund**

Omit section 79 (a). Insert instead:

- (a) all payments made on account of RMS or otherwise required to meet expenditure incurred in relation to the functions of RMS, and

**[37] Section 79 (2)**

Insert at the end of section 79:

- (2) Payments for any non-capital expenditure that is prescribed by the regulations under section 78 (1) (a) are not to be paid from the RMS Fund.

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**[38] Section 80E Payments into Sydney Ferries Fund**

Omit section 80E (c) (i). Insert instead:

- (i) appropriated by Parliament for the purposes of TfNSW and allocated to Sydney Ferries by TfNSW, or

**[39] Section 80H Payments into CRIA Fund**

Omit section 80H (c) (i). Insert instead:

- (i) appropriated by Parliament for the purposes of TfNSW and allocated to the Country Rail Infrastructure Authority by TfNSW, or

**[40] Section 81A Definition**

Insert after paragraph (a) of the definition of *Authority*:

- (a1) TfNSW,

**[41] Section 89 Definitions**

Insert “, TfNSW” after “RailCorp” in the definition of *rail authority*.

**[42] Section 99D Network control**

Insert at the end of section 99D (1):

**Note.** TfNSW has responsibility for determining the Standard Working Timetable in the metropolitan rail area. See clause 5 of Schedule 1.

**[43] Section 99D (5) (a) and (b)**

Omit “priority” wherever occurring. Insert instead “reasonable priority”.

**[44] Section 99D (5) (c)**

Insert at the end of section 99D (5) (b):

, and

- (c) allocate priority between rail passenger services and freight services consistently with the requirements of any agreement between the Commonwealth and the State or TfNSW for the funding of railway infrastructure that is part of the NSW rail network.

**[45] Part 9, Division 2A, heading**

Omit “**Miscellaneous provisions relating to Director-General**”.

Insert instead “**Special provisions relating to light rail**”.

- [46] **Part 9, Division 2A**  
Omit Subdivision 1 and the heading to Subdivision 2.
- [47] **Section 104R Easements etc for light rail system**  
Omit “under Subdivision 1” from section 104R (2).
- [48] **Part 9, Division 3, heading**  
Omit “Roads and Traffic Authority”. Insert instead “RMS”.
- [49] **Section 107 Definition of “transport authority”**  
Insert after section 107 (1) (a1):  
(a2) TfNSW, or
- [50] **Section 107 (3)**  
Omit the subsection.
- [51] **Section 109 Seals of Authorities**  
Insert after paragraph (a) of the definition of *Authority* in section 109 (2):  
(a1) TfNSW,
- [52] **Section 112 Personal liability of certain persons**  
Omit “the Roads and Traffic Authority” from the definition of *member of a transport authority* in section 112 (2).  
Insert instead “RMS, the Director-General”.
- [53] **Schedule 1**  
Insert as Schedule 1:

## **Schedule 1 Functions of Transport for NSW**

### **Part 1 General functions**

#### **1 General functions of TfNSW**

TfNSW has the following general functions:

(a) **Transport planning and policy**

Transport planning and policy, including for integrated rail network, road network, maritime operations and maritime transport and land use strategies for metropolitan and regional areas.

- 
- (b) **Transport public funding**  
The administration of the allocation of public funding for the transport sector, including the determination of budgets and programs across that sector.
  - (c) **Transport infrastructure**  
The planning, oversight and delivery of transport infrastructure in accordance with integrated transport and land use strategies and available financial resources, including prioritising of expenditure and projects across the transport system.
  - (d) **Capital works programs and budgets**  
Co-ordination of capital works programs and budgets across the transport sector.
  - (e) **Contracting for the delivery of transport services**  
Contracting, on behalf of the State, with public transport agencies or the private sector, for the delivery of transport services, including the setting of performance targets and service standards.
  - (f) **Transport services co-ordination**  
The co-ordination of transport services, including timetabling for transport services and providing for effective transport interchanges.
  - (g) **Incident management**  
The management of incidents affecting the efficiency of road and public transport networks, including the co-ordination of communications with and responses by relevant agencies.
  - (h) **Transport information**  
The provision of information about transport services and transport infrastructure to assist people to use those services or infrastructure.
  - (i) **Provision and deployment of staff and services**  
The provision of corporate and shared services to public transport agencies and the deployment of staff to public transport agencies and the Department of Transport.
  - (j) **Ticketing for transport services**  
The provision of integrated ticketing arrangements for transport services, and regulating the types of tickets and other ticketing arrangements for the setting of fares for transport services.

(k) **Precinct land planning**

Assisting the Minister for Planning and Infrastructure and other relevant agencies with the preparation of precinct plans for the development of land for, or in the vicinity of, public transport stations or wharves and transport interchanges.

(l) **Procurement**

Co-ordinating and carrying out the procurement of transport infrastructure and transport vehicles, rolling stock and vessels.

**2 Advice and recommendations to the Minister**

- (1) The transport policy and planning function of TfNSW includes the function of advising, assisting and making recommendations to the Minister in connection with the following:
  - (a) the development of policy (including regulatory policy) for or in connection with the implementation or enforcement of the transport legislation,
  - (b) the development of policy (including regulatory policy) for promoting and improving road safety, road travel efficiency and road traffic management,
  - (c) policy and planning for or in connection with ports and maritime matters,
  - (d) the initiation, development and implementation of proposals for the amendment of the transport legislation and other legislation relevant to the functions of TfNSW.
- (2) In this clause, a reference to the Minister includes a reference to any Minister administering any provision of the transport legislation or other legislation relevant to the functions of TfNSW.

**Part 2 Transport functions**

**3 Transport infrastructure development**

- (1) TfNSW may:
  - (a) develop, establish, hold, manage and maintain transport infrastructure on behalf of the State, and
  - (b) hold, manage, maintain and establish assets associated with transport infrastructure developed or proposed to be developed by TfNSW, and

- 
- (c) make and enter into leases or licences, or other arrangements, with persons for developing transport infrastructure, and
  - (d) provide goods and services to the bus, rail, ferry or other transport industries.
- (2) In this clause, a reference to developing transport infrastructure includes:
- (a) carrying out development for the purposes of or incidental to transport infrastructure (including development of land in the vicinity of transport infrastructure), and
  - (b) facilitating, managing, financing or maintaining any such development, and
  - (c) carrying out any function ancillary to any such development.
- (3) In this clause:
- development** means development within the meaning of the *Environmental Planning and Assessment Act 1979* or an activity within the meaning of Part 5 of that Act.
- transport infrastructure** includes:
- (a) infrastructure associated with the use or operation of transport infrastructure, and
  - (b) retail, commercial and residential development associated with or developed in conjunction with transport infrastructure.

#### **4 Road safety, road travel efficiency and road traffic management**

- (1) TfNSW may:
- (a) conduct testing, research and investigations in connection with promoting or improving road safety, road travel efficiency and road traffic management, and
  - (b) develop and implement programs, projects, strategies and campaigns for promoting or improving road safety, road travel efficiency and road traffic management, and
  - (c) provide advice and assistance to public and local authorities for the promotion or improvement of road safety, road travel efficiency and road traffic management.
- (2) In this clause, **road safety** refers to safety in connection with roads, road vehicles and all aspects of road usage.

## **5 Standard Working Timetable**

- (1) TfNSW has responsibility for determining the Standard Working Timetable for the delivery of transport services by public transport agencies for all modes of transport in the metropolitan rail area. TfNSW may alter or replace the Standard Working Timetable from time to time.
- (2) The *Standard Working Timetable* is the timetable that provides the specifications for the following aspects of the daily provision of rail, bus and ferry services by public transport agencies:
  - (a) frequency of services,
  - (b) daily service periods (that is, the times of first and last services),
  - (c) size and carrying capacity of the trains, buses and ferries to be used to provide services,
  - (d) movement of trains, buses and ferries when not in service,
  - (e) access and non-operational times for maintenance and other operational purposes.
- (3) TfNSW is to determine the Standard Working Timetable (including any alteration or replacement of that timetable) in consultation with the public transport agencies concerned.
- (4) The Standard Working Timetable (as in force from time to time) is to be adopted by all public transport agencies as the timetable for the delivery of the transport services for which they are responsible.
- (5) The Standard Working Timetable does not operate to prevent timetable changes due to incident management or maintenance.
- (6) This clause overrides section 99D (Network control) and any order under that section, to the extent of any inconsistency with this clause.

## **6 Provision of rail access**

TfNSW may provide persons with access under the current NSW rail access undertaking to the part of the NSW rail network vested in or owned by TfNSW and that is not subject to an ARTC lease or licence.

## **7 Community transport schemes**

TfNSW may allocate funding for and administer or arrange for the administration of any scheme approved by the Minister for the provision of community transport schemes and services.

## **8 Government subsidised travel schemes**

- (1) TfNSW is to administer, or arrange for the administration of, any scheme approved by the Minister for Government subsidised travel on passenger services.
- (2) If the regulations so provide, persons of a class prescribed by the regulations are not entitled to subsidised travel under any such scheme. This subclause applies despite any approval or direction of the Minister or the *Anti-Discrimination Act 1977*.
- (3) Payments required to be made in accordance with any such scheme are to be made from such money as may be provided by Parliament for the purpose.

## **Part 3 Ancillary functions**

### **9 Power to contract**

- (1) TfNSW may make or enter into contracts or arrangements with any person in connection with the exercise of TfNSW's functions.
- (2) This clause does not limit the operation of any provision of the *Passenger Transport Act 1990*.

### **10 Sale, lease or other disposal of land**

TfNSW may sell, lease or otherwise dispose of any of TfNSW's land.

### **11 Acquisition of land**

- (1) TfNSW may, for the purpose of the exercise of TfNSW's functions, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (2) The other purposes for which land may be acquired under subclause (1) include for the purposes of a future sale, lease or disposal, that is, to enable TfNSW to exercise its functions in relation to land under this Act.
- (3) An acquisition of land under this clause is not void merely because it is expressed to be for the purposes of exercising the functions of TfNSW or for the purposes of this Act.
- (4) Without limiting the generality of this clause, the purposes for which land may be acquired under this clause include acquiring land for future use for transport infrastructure or services.

**12 Application of Public Works Act 1912**

- (1) For the purposes of the *Public Works Act 1912*, any acquisition of land under clause 11 is taken to be for an authorised work and TfNSW is, in relation to the authorised work, taken to be the Constructing Authority.
- (2) Part 3 of the *Public Works Act 1912* does not apply in respect of works constructed for the purposes for which the land was acquired.

**13 Other functions concerning land**

- (1) TfNSW may, with the consent of the owner of any land, exercise in relation to the land any function that TfNSW could so exercise if TfNSW were the owner of the land.
- (2) TfNSW may exercise in relation to any land in which TfNSW holds an interest any function that a private individual could so exercise if the private individual were the holder of the interest.

**14 Regulations**

- (1) The regulations may make provision for or with respect to passenger transport facilities (including light rail systems) provided in the exercise of TfNSW's functions.
- (2) In particular, the regulations may make provision for or with respect to:
  - (a) the terms and conditions on which passengers or other persons use those facilities, and
  - (b) the use of and access to those facilities, and
  - (c) the protection and preservation of those facilities, and
  - (d) the security, safety and order of persons using those facilities.

**[54] Schedule 3 Provisions relating to Transport Advisory Council**

Omit "Advisory Council" wherever occurring (including the Schedule heading).

Insert instead "Advisory Board".

**[55] Schedule 4 Transfer of assets, rights and liabilities**

Omit the note at the end of clause 2 (1).

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**[56] Schedule 6A Powers relating to rail infrastructure facilities and land**

Insert after paragraph (a) of the definition of *owner* in clause 1:

- (a1) in the case of any land, rail infrastructure facilities or any railway building that is managed or controlled by TfNSW for the purposes of exercising its functions under this Act, TfNSW, or

**[57] Schedule 6A, clause 1, definition of “rail authority”**

Insert “or TfNSW” after “RailCorp” in paragraph (a).

**[58] Schedule 6A, clause 1B**

Insert after clause 1A:

**1B TfNSW’s rail infrastructure facilities**

- (1) TfNSW is the owner of all rail infrastructure facilities installed in or on land, in or on rivers and other waterways and in or on the beds of rivers and waterways by TfNSW and of all rail infrastructure facilities vested in or transferred to TfNSW (whether or not the place on which the facilities are situated is owned by TfNSW).
- (2) This clause does not apply to rail infrastructure facilities transferred to RailCorp.

**[59] Schedule 6A, clause 2A RailCorp’s rail infrastructure facilities**

Insert after clause 2A (3):

- (4) This clause is subject to any interest of TfNSW in rail infrastructure facilities.

**[60] Schedule 6A, clause 2C Changes in ownership of rail infrastructure facilities arising from changes to areas**

Omit clause 2C (5). Insert instead:

- (5) This clause is subject to any interest of TfNSW or the Transport Construction Authority in rail infrastructure facilities in the metropolitan rail area.

**[61] Schedule 7 Savings, transitional and other provisions**

Insert at the end of clause 2 (1):

*Transport Legislation Amendment Act 2011*

**[62] Schedule 7**

Insert at the end of the Schedule:

**Part 20 Provisions consequent on enactment of  
Transport Legislation Amendment Act  
2011**

**Division 1 Preliminary**

**181 Interpretation**

In this Part:

*amending Act* means the *Transport Legislation Amendment Act 2011*.

**Division 2 General provisions**

**182 Transfer of assets, rights and liabilities of Director-General to TfNSW**

- (1) The assets, rights and liabilities of the Director-General of the Department of Transport acquired or incurred in the exercise of a function under the transport legislation, or in connection with the execution or administration of that legislation, before the commencement of this clause are, on the commencement of this clause, transferred to TfNSW.
- (2) Schedule 4 applies to the transfer of the assets, rights and liabilities of the Director-General 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.
- (3) The Minister may by order in writing exempt specified assets, rights and liabilities from the operation of this clause.

**183 Abolition of Roads and Traffic Authority**

- (1) The Roads and Traffic Authority of New South Wales is abolished.
- (2) The assets, rights and liabilities of the Roads and Traffic Authority are, on the abolition of that Authority, transferred to Roads and Maritime Services.
- (3) Schedule 4 applies to the transfer of the assets, rights and liabilities of the Roads and Traffic Authority 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.

- 
- (4) 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 Roads and Traffic Authority is to be construed as a reference to Roads and Maritime Services.
  - (5) The Roads and Maritime Services Fund is a continuation of the Roads and Traffic Authority Fund.

**184 Abolition of Roads and Traffic Authority Division**

- (1) The Roads and Traffic Authority Division of the Government Service is abolished as a Division of the Government Service.
- (2) A person who was employed in the Roads and Traffic Authority Division immediately before the abolition of that Division becomes employed in the Roads and Maritime Services Division of the Government Service on the commencement of this clause.
- (3) The terms and conditions on which a person becomes employed in the Roads and Maritime Services Division under this clause (including terms and conditions as to remuneration, allowances and duration of employment) are, until such time as provision is otherwise made under this Act or any other law, those on which the person was employed immediately before the commencement of this clause.
- (4) Division 4 of Part 7 of this Act applies in relation to persons who become employed in the Roads and Maritime Services Division under this clause in the same way as that Division applies to persons who are transferred under that Division.

**185 Transfer of assets, rights and liabilities of Maritime Authority**

- (1) The assets, rights and liabilities of the Maritime Authority of NSW are, on the abolition of that Authority by the amending Act, transferred to Roads and Maritime Services.
- (2) Schedule 4 applies to the transfer of the assets, rights and liabilities of the Maritime Authority of NSW 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.

**186 Transfer of licences and other authorisations**

- (1) This clause applies to an authorisation granted to a public transport agency under an Act or statutory rule and in force immediately before the commencement of this clause.

**Note.** Acts under which authorisations are granted to public transport agencies include the *Environmental Planning and Assessment Act 1979*, *Home Building Act 1989*, *National Parks and Wildlife Act 1974*,

*Protection of the Environment Operations Act 1997, Sydney Harbour Foreshore Authority Act 1998 and Sydney Water Act 1994.*

- (2) An authorisation is, to the extent that it relates to transferred functions or assets of a transferee agency, taken to be held by the transferee agency on the same terms and conditions as the public transport agency held the authorisation immediately before the commencement of this clause.
- (3) The regulations may exempt an authorisation from the operation of this clause.
- (4) This clause does not prevent an authorisation from being varied, cancelled or replaced.
- (5) In this clause:

*authorisation* includes a licence, permit, approval or consent.

*public transport agency* includes a body that was a public transport agency immediately before its abolition by the amending Act.

*transferee agency* means TfNSW or RMS.

*transferred functions or assets* of a transferee agency means functions conferred on, or assets, rights or liabilities vested in, the transferee agency by or under this Act, that were, immediately before the conferral or vesting, conferred on, or vested in, a public transport agency.

**187 Existing awards do not apply to members of Transport Service**

Any award or order of the Industrial Relations Commission in force immediately before the commencement of Part 7A of this Act does not apply to any member of the Transport Service.

**[63] Clause 4 (4) of Schedule 8A and clause 4 (4) of Schedule 9**

Omit “section 3C (General functions of Director-General)” wherever occurring.

Insert instead “clause 1 of Schedule 1 (General functions of TfNSW)”.

**[64] Clause 7 of Schedule 8A and clause 7 of Schedule 9**

Omit “Transport NSW” wherever occurring.

Insert instead “the Department of Transport”.

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**[65] Schedule 9 Public Transport Ticketing Corporation**

Insert after clause 7:

**7A Transfer of assets, rights and liabilities**

Section 94 and Schedule 4 apply to and in respect of the Public Transport Ticketing Corporation as if the Corporation were a rail authority under section 94.

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

**[1] Long title**

Omit “to establish the Maritime Authority of NSW”.

Insert instead “to enable Roads and Maritime Services”.

**[2] Section 3 Definitions**

Omit the definition of *the Authority* from section 3 (1). Insert instead:

*the Authority* means Roads and Maritime Services constituted under the *Transport Administration Act 1988*.

**[3] Section 26 Management of trading ports not managed by Port Corporations**

Omit the note to the section.

**[4] Section 26 (4)–(6)**

Insert after section 26 (3):

- (4) The Minister may, by order in writing, direct that such assets, rights and liabilities of any commercial port facilities managed by the Minister under this section as are specified or referred to in the order be transferred to a Port Corporation so specified. Schedule 1 applies to such an order.
- (5) Assets, rights or liabilities may not be transferred under this section to a Port Corporation unless the Port Corporation is a statutory State owned corporation.
- (6) Section 20C of the *State Owned Corporations Act 1989* does not apply to the transfer of assets, rights or liabilities under this section.

**[5] Section 34**

Insert after section 33:

**34 Maritime Advisory Council**

- (1) The Minister may, subject to and in accordance with the regulations, establish a Maritime Advisory Council.
- (2) The members of the Maritime Advisory Council are to be appointed by the Minister in accordance with the regulations.
- (3) The regulations may make provision for or with respect to the membership and procedure of the Maritime Advisory Council.

- 
- (4) The Maritime Advisory Council has the following functions:
- (a) to advise the Minister on any matter that is referred to it by the Minister in connection with the operation of the marine legislation,
  - (b) to advise and make recommendations to the Minister on maritime safety and on expenditure priorities for the exercise of the Authority's functions in connection with maritime infrastructure and maritime research.

**[6] Part 4, heading**

Omit "Maritime Authority of NSW".

Insert instead "Functions etc of Roads and Maritime Services".

**[7] Part 4, Division 1 Constitution and management of Authority**

Omit the Division.

**[8] Section 41 Functions of Authority**

Omit "principal functions" from section 41 (1).

Insert instead "principal maritime functions".

**[9] Section 41 (1) (b)**

Omit the paragraph.

**[10] Section 41A Delegation of functions by Authority**

Omit the section.

**[11] Section 42 Waterways Fund**

Omit section 42 (2) (a), (d) and (e). Insert instead, respectively:

- (a) all money received by the Authority in connection with the exercise of its functions under section 41, and
- (d) all money borrowed by the Authority in connection with the exercise of its functions under section 41, and
- (e) all money appropriated by Parliament for the purposes of the Authority in connection with the exercise of its functions under section 41, and

**[12] Section 42 (4)**

Omit the subsection. Insert instead:

- (4) There is payable from the Waterways Fund:
  - (a) all payments made on account of the Authority in respect of its functions under this Act or otherwise required to meet the expenditure incurred in relation to the functions of the Authority under this Act, and
  - (b) the remuneration (including allowances) of staff of the Authority engaged in the administration of this Act, and
  - (c) all money directed to be paid from the Fund by this or any other Act.

**[13] Section 44 Financial year of Authority**

Omit the section.

**[14] Section 46 Seal of Authority**

Omit the section.

**[15] Section 107 Combined financial and other reporting by Authority and Minister's Department**

Omit the section.

**[16] Schedule 1, heading**

Omit the heading. Insert instead:

**Schedule 1      Transfer of assets, rights and liabilities**

**[17] Schedule 1, clause 2**

Insert after clause 2 (1) (b):

- (b1) an order under section 26 transferring assets, rights or liabilities of commercial port facilities to a Port Corporation,

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**[18] Schedule 5 Savings, transitional and other provisions**

Omit clause 1 (1). Insert instead:

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:  
this Act  
*Transport Legislation Amendment Act 2011* (but only in relation to amendments to this Act)

**[19] Schedule 5, clause 1 (3)**

Omit “this Act”. Insert instead “the Act concerned”.

**[20] Schedule 5**

Insert after Part 3:

## **Part 4 Provisions consequent on Transport Legislation Amendment Act 2011**

### **18 Interpretation**

In this Part:

*amending Act* means the *Transport Legislation Amendment Act 2011*.

### **19 Abolition of Maritime Authority**

- (1) The Maritime Authority of NSW is abolished.
- (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 Maritime Authority of NSW is to be construed as a reference to Roads and Maritime Services.

**Note.** Schedule 7 to the *Transport Administration Act 1988* provides for the transfer of the assets, rights and liabilities of the Maritime Authority to Roads and Maritime Services.

### **20 Abolition of Maritime Authority of NSW Division**

- (1) The Maritime Authority of NSW Division of the Government Service is abolished as a Division of the Government Service.
- (2) A person who was employed in the Maritime Authority of NSW Division immediately before the abolition of that Division becomes employed in the Roads and Maritime Services Division of the Government Service on the commencement of this clause.

- (3) The terms and conditions on which a person becomes employed in the Roads and Maritime Services Division under this clause (including terms and conditions as to remuneration, allowances and duration of employment) are, until such time as provision is otherwise made under this Act or any other law, those on which the person was employed immediately before the commencement of this clause.
- (4) Division 4 of Part 7 of the *Transport Administration Act 1988* applies in relation to persons who become employed in the Roads and Maritime Services Division under this clause in the same way as that Division applies to persons who are transferred under that Division.

**21 Transfer of Yamba and Eden ports staff**

- (1) The Minister may, by order in writing, provide that such members of staff of the Roads and Maritime Services Division as are employed at the ports of Yamba and Eden and as are specified or described in the order are transferred to a Port Corporation specified in the order.
- (2) A person who is the subject of an order under this clause becomes an employee of the specified Port Corporation, in accordance with the terms of the order, on the day the order takes effect.
- (3) A person whose employment is transferred to a Port Corporation under this clause is not entitled to receive any payment or other benefit merely because the person ceases to be a member of the staff of the Roads and Maritime Services Division and 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.
- (4) For the purposes of this clause, *the ports of Yamba and Eden* are the commercial port facilities at Yamba and Eden that are vested in the Authority or another State authority and subject to the management of the Minister under section 26 of this Act.

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## **Schedule 3 Amendments relating to the abolition of Transport Construction Authority**

### **3.1 Transport Administration Act 1988 No 109**

**[1] Section 3 Definitions**

Omit the definition of *Transport Construction Authority* from section 3 (1).

**[2] Section 3, definition of “public transport agency” (as inserted by Schedule 1 to this Act)**

Omit “the Transport Construction Authority,”.

**[3] Section 3, definition of “rail infrastructure owner”**

Omit “the Transport Construction Authority” wherever occurring in paragraph (a).

Insert instead “TfNSW”.

**[4] Section 3B Ministerial responsibility and delegation**

Omit section 3B (1) (e).

**[5] Section 3G Directions by TfNSW to public transport agencies (as inserted by Schedule 1 to this Act)**

Omit section 3G (1) (e).

**[6] Part 2A Transport Construction Authority**

Omit the Part.

**[7] Section 42A Definitions**

Omit paragraph (d1) of the definition of *transport authority*.

**[8] Section 55A Definition of “transport authority”**

Omit paragraph (f) of the definition of *transport authority*.

**[9] Part 7, Division 2A Staff of Transport Construction Authority**

Omit the Division.

**[10] Section 65 Definitions**

Omit paragraph (f) of the definition of *transport authority*.

- [11] **Part 8, Division 1A Financial provisions relating to Transport Construction Authority**  
Omit the Division.
- [12] **Section 81A Definition**  
Omit paragraph (e) of the definition of *Authority*.
- [13] **Section 88A Definitions**  
Omit “the Transport Construction Authority” from the definition of *rail authority*.  
Insert instead “TfNSW”.
- [14] **Section 89 Definitions**  
Omit “the Transport Construction Authority,” from the definition of *rail authority*.
- [15] **Section 107 Definition of “transport authority”**  
Omit paragraph (c2) of the definition of *transport authority* in section 107 (1).
- [16] **Section 109 Seals of Authorities**  
Omit paragraph (e) of the definition of *Authority* in section 109 (2).
- [17] **Section 112 Personal liability of certain persons**  
Omit “the Transport Construction Authority,” from the definition of *member of a transport authority* in section 112 (2).
- [18] **Section 116 Liability of vehicle owner for parking offences on Authority’s land**  
Omit “the Transport Construction Authority” from the definition of *parking offence* in section 116 (7).  
Insert instead “TfNSW”.
- [19] **Section 122 Definitions**  
Omit “, the Transport Construction Authority” from the definition of *rail authority*.
- [20] **Schedule 2 Provisions relating to Chief Executives**  
Omit paragraph (e) of the definition of *Chief Executive* in clause 1.
- [21] **Schedule 5 Extended leave for certain staff**  
Omit paragraph (e) of the definition of *Authority* in clause 2.

- [22] **Schedule 6A Powers relating to rail infrastructure facilities and land**  
Omit paragraph (a) of the definition of *owner* in clause 1.
- [23] **Schedule 6A, clause 1, definition of “rail authority”**  
Omit “or the Transport Construction Authority,” from paragraph (a).
- [24] **Schedule 6A, clause 2A (3)**  
Omit the subclause.
- [25] **Schedule 6A, clause 2C (5) (as inserted by Schedule 1 to this Act)**  
Omit “or the Transport Construction Authority”.
- [26] **Schedule 6B Special provisions for underground rail facilities**  
Omit “the Transport Construction Authority,” from the definition of *rail authority* in clause 1 (1).
- [27] **Schedule 7 Savings, transitional and other provisions**  
Insert at the end of Part 20 (as inserted by Schedule 1 to this Act) with appropriate Division and clause numbering:

**Division Provisions consequent on abolition of TCA**

**Abolition of TCA**

- (1) The Transport Construction Authority is abolished.
- (2) The assets, rights and liabilities of the Transport Construction Authority are, on the abolition of the Authority, transferred to Transport for NSW.
- (3) Schedule 4 applies to the transfer of the assets, rights and liabilities of the Transport Construction Authority 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.
- (4) 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 Transport Construction Authority is to be construed as a reference to Transport for New South Wales.

**3.2 First State Superannuation Act 1992 No 100**

**Schedule 1 Employers**

Omit “Transport Construction Authority”.

### **3.3 Public Finance and Audit Act 1983 No 152**

#### **Schedule 2 Statutory bodies**

Omit “Transport Construction Authority”.

### **3.4 Public Sector Employment and Management Act 2002 No 43**

#### **[1] Section 63 Definitions**

Omit “, Sydney Ferries, the Transport Construction Authority” from section 63 (2) (a1).

Insert instead “or Sydney Ferries”.

#### **[2] Schedule 2 Executive positions (other than non-statutory SES positions)**

Omit “Chief Executive of the Transport Construction Authority” from Part 2.

### **3.5 State Authorities Non-contributory Superannuation Act 1987 No 212**

#### **Schedule 1 Employers**

Omit “Transport Construction Authority” from Part 1.

### **3.6 State Authorities Superannuation Act 1987 No 211**

#### **Schedule 1 Employers**

Omit “Transport Construction Authority” from Part 1.

### **3.7 Superannuation Act 1916 No 28**

#### **Schedule 3 List of employers**

Omit “Transport Construction Authority” from Part 1.

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

### **4.1 Transport Administration Act 1988 No 109**

**[1] Section 3 Definitions**

Omit the definition of *Country Rail Infrastructure Authority* from section 3 (1).

**[2] Section 3, definition of “public transport agency” (as inserted by Schedule 1 to this Act)**

Omit “the Country Rail Infrastructure Authority,”.

**[3] Section 3B Ministerial responsibility and delegation**

Omit section 3B (1) (f).

**[4] Section 3G Directions by TfNSW to public transport agencies (as inserted by Schedule 1 to this Act)**

Omit section 3G (1) (f).

**[5] Part 2B Country Rail Infrastructure Authority**

Omit the Part.

**[6] Section 42A Definitions**

Omit paragraph (d) of the definition of *transport authority*.

**[7] Section 55A Definition of “transport authority”**

Omit paragraph (g) of the definition of *transport authority*.

**[8] Part 7, Division 3A Staff of Country Rail Infrastructure Authority**

Omit the Division.

**[9] Section 65 Definitions**

Omit paragraph (g) of the definition of *transport authority*.

**[10] Part 8, Division 3B Financial provisions relating to Country Rail Infrastructure Authority**

Omit the Division.

**[11] Section 81A Definition**

Omit paragraph (f) of the definition of *Authority*.

- [12] Section 88A Definitions**  
Omit “, the Country Rail Infrastructure Authority” from the definition of *rail authority*.
- [13] Section 88G Severance of rail infrastructure facilities and from leased or licensed land**  
Omit “the Country Rail Infrastructure Authority” wherever occurring in section 88G (1) and (2).  
Insert instead “TfNSW”.
- [14] Section 89 Definitions**  
Omit “the Country Rail Infrastructure Authority,” from the definition of *rail authority*.
- [15] Section 107 Definition of “transport authority”**  
Omit paragraph (c3) of the definition of *transport authority* in section 107 (1).
- [16] Section 109 Seals of Authorities**  
Omit paragraph (f) of the definition of *Authority* in section 109 (2).
- [17] Section 112 Personal liability of certain persons**  
Omit “the Country Rail Infrastructure Authority,” from the definition of *member of a transport authority* in section 112 (2).
- [18] Section 122 Definitions**  
Omit “, the Country Rail Infrastructure Authority” from the definition of *rail authority*.
- [19] Schedule 2 Provisions relating to Chief Executives**  
Omit paragraph (f) of the definition of *Chief Executive* in clause 1.
- [20] Schedule 5 Extended leave for certain staff**  
Omit paragraph (f) of the definition of *Authority* in clause 2.
- [21] Schedule 6A, clause 1, definition of “rail authority”**  
Omit “the Country Rail Infrastructure Authority” from paragraph (a).
- [22] Schedule 6A, clause 2 Country Rail Infrastructure Authority’s rail infrastructure facilities**  
Omit the clause.

- [23] **Schedule 6A, clauses 2C (4), 2D (2) and 13A (1), (2), (5) and (7)**  
Omit “the Country Rail Infrastructure Authority” wherever occurring.  
Insert instead “TfNSW”.
- [24] **Schedule 6A, clause 13**  
Omit the clause.
- [25] **Schedule 6A, clause 13A (4)**  
Omit “or the Country Rail Infrastructure Authority”.
- [26] **Schedule 6B Special provisions for underground rail facilities**  
Omit “the Country Rail Infrastructure Authority,” from the definition of *rail authority* in clause 1 (1).
- [27] **Schedule 7 Savings, transitional and other provisions**  
Insert at the end of Part 20 (as inserted by Schedule 1 to this Act) with appropriate Division and clause numbering:

**Division Provisions consequent on abolition of CRIA**

**Abolition of CRIA**

- (1) The Country Rail Infrastructure Authority is abolished.
- (2) The assets, rights and liabilities of the Country Rail Infrastructure Authority are, on the abolition of the Authority, transferred to Transport for NSW.
- (3) Schedule 4 applies to the transfer of the assets, rights and liabilities of the Country Rail Infrastructure Authority 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.
- (4) 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 Country Rail Infrastructure Authority is to be construed as a reference to Transport for New South Wales.

**4.2 Electricity (Consumer Safety) Act 2004 No 4**

**Section 3 Definitions**

Omit paragraph (b) of the definition of *electricity supply authority* in section 3 (1).

**4.3 First State Superannuation Act 1992 No 100**

**Schedule 1 Employers**

Omit “Country Rail Infrastructure Authority”.

**4.4 Public Finance and Audit Act 1983 No 152**

**Schedule 2 Statutory bodies**

Omit “Country Rail Infrastructure Authority”.

**4.5 Public Sector Employment and Management Act 2002 No 43**

**[1] Section 63 Definitions**

Omit “or the Country Rail Infrastructure Authority” from section 63 (2) (a1).

**[2] Schedule 2 Executive positions (other than non-statutory SES positions)**

Omit “Chief Executive of the Country Rail Infrastructure Authority” from Part 2.

**4.6 State Authorities Non-contributory Superannuation Act 1987 No 212**

**Schedule 1 Employers**

Omit “Country Rail Infrastructure Authority” from Part 1.

**4.7 State Authorities Superannuation Act 1987 No 211**

**Schedule 1 Employers**

Omit “Country Rail Infrastructure Authority” from Part 1.

**4.8 Superannuation Act 1916 No 28**

**Schedule 3 List of employers**

Omit “Country Rail Infrastructure Authority” from Part 1.

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## **Schedule 5 Consequential and other amendments**

### **5.1 Centennial Park and Moore Park Trust Act 1983 No 145**

**[1] Sections 15A–15L, 15N and 15P (1) and item 2 of Schedule 3A**

Omit “the Roads and Traffic Authority” and “The Roads and Traffic Authority” wherever occurring.

Insert instead “Roads and Maritime Services”.

**[2] Sections 15D (6), 15H (5), 15I (3), 15J (1), 15N (3) and 15P (1)**

Omit “the Authority” wherever occurring.

Insert instead “Roads and Maritime Services”.

### **5.2 Community Land Management Act 1989 No 202**

**Section 116 Open and private access ways**

Omit “the Roads and Traffic Authority” wherever occurring in paragraphs (b) and (c) of the definition of *authorised person* in section 116 (7).

Insert instead “Roads and Maritime Services”.

### **5.3 Driving Instructors Act 1992 No 3**

**Section 3 Definitions**

Omit “the Roads and Traffic Authority” from the definition of *Authority* in section 3 (1).

Insert instead “Roads and Maritime Services”.

### **5.4 Electricity (Consumer Safety) Act 2004 No 4**

**Section 3 Definitions**

Insert after paragraph (b1) of the definition of *electricity supply authority* in section 3 (1):

(b2) Transport for NSW, and

### **5.5 Environmental Planning and Assessment Act 1979 No 203**

**Section 11 Functions of corporation**

Omit “the Roads and Traffic Authority” from section 11 (6).

Insert instead “Roads and Maritime Services”.

## **5.6 Fines Act 1996 No 99**

- [1] **Sections 16 (2) (b), 23A (3) (b), 24G (2) (b) (i), 28 (2) (b), 36 (5) (b), 44 (2) (b), 58 (1) (b), 61 (3) (b), 65 (2) and (4)–(5), 66, 67, 68 (1) (b) and (2)–(5), 69 (1) and (2), 103 (1) (a), 117 (2) (a), 120 (1) (c) and 126A (3) (b) and (c)**

Omit “the Roads and Traffic Authority” and “The Roads and Traffic Authority” wherever occurring.

Insert instead “Roads and Maritime Services”.

- [2] **Section 16 (2) (b) and 44 (2) (b)**

Omit “that Authority” wherever occurring.

Insert instead “Roads and Maritime Services”.

- [3] **Section 68 Suspension of dealings with Roads and Maritime Services**

Omit “the Authority” from section 68 (2) (n).

Insert instead “Roads and Maritime Services”.

## **5.7 First State Superannuation Act 1992 No 100**

### **Schedule 1 Employers**

Omit “Roads and Traffic Authority”.

Insert instead “Roads and Maritime Services”.

## **5.8 Fisheries Management Act 1994 No 38**

### **Section 242A Access to information by fisheries officers**

Omit “The Roads and Traffic Authority”.

Insert instead “Roads and Maritime Services”.

## **5.9 Homebush Motor Racing (Sydney 400) Act 2008 No 106**

### **Section 43 Regulations**

Omit “the Roads and Traffic Authority” from section 43 (2) (h).

Insert instead “Roads and Maritime Services”.

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## 5.10 Impounding Act 1993 No 31

### [1] Sections 5 (1) and 43 (2) and Dictionary

Omit “the Roads and Traffic Authority” wherever occurring.

Insert instead “Roads and Maritime Services”.

### [2] Dictionary, definition of “area of operations”

Omit “the Maritime Authority of NSW”.

Insert instead “Roads and Maritime Services”.

### [3] Dictionary, definition of “area of operations”

Omit “the Authority” wherever occurring.

Insert instead “Roads and Maritime Services”.

## 5.11 Independent Pricing and Regulatory Tribunal Act 1992 No 39

### Schedule 1 Government agencies for which Tribunal has standing reference

Omit “Roads and Traffic Authority”.

Insert instead “Roads and Maritime Services”.

## 5.12 Industrial Relations Act 1996 No 17

### [1] Section 91 Interpretation

Insert after paragraph (c) of the definition of *public sector employee*:

- (c1) employed under Part 7A of the *Transport Administration Act 1988* in the Transport Service, or

### [2] Section 91, definition of “public sector employer”

Insert after paragraph (c):

- (c1) for a public sector employee of the class referred to in paragraph (c1) of that definition—the Director-General of the Department of Transport,

### [3] Schedule 1 Persons deemed to be employees

Omit “RTA” and “the RTA” wherever occurring in clause 1 (l).

Insert instead “RMS”.

**[4] Schedule 1, clauses 1 (l) and 2 (2) (c)**

Omit “the Roads and Traffic Authority” wherever occurring.

Insert instead “Roads and Maritime Services”.

**5.13 Interpretation Act 1987 No 15**

**Section 21 Meanings of commonly used words and expressions**

Insert in alphabetical order:

*Transport Service* means the Transport Service of New South Wales referred to in the *Transport Administration Act 1988*.

**5.14 Jury Amendment Act 2010 No 55**

**Schedule 1 Amendment of Jury Act 1977 No 18**

Omit “the Roads and Traffic Authority” wherever occurring in proposed section 75A (2B) and (2C) (as inserted by Schedule 1 [20]).

Insert instead “Roads and Maritime Services”.

**5.15 Law Enforcement and National Security (Assumed Identities) Act 2010 No 73**

**Section 4 Definitions**

Omit “the Roads and Traffic Authority” from the note to the definition of *government issuing agency* in section 4 (1).

Insert instead “Roads and Maritime Services”

**5.16 Licensing and Registration (Uniform Procedures) Act 2002 No 28**

**[1] Section 80B Interpretation**

Omit the definition of *RTA* from section 80B (1). Insert instead:

*RMS* means Roads and Maritime Services constituted under the *Transport Administration Act 1988*.

**[2] Sections 80C (1), 80D, 80E, 80G, 80H (1), 80I (1) and 80J**

Omit “the RTA” and “The RTA” wherever occurring. Insert instead “RMS”.

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## **5.17 Licensing and Registration (Uniform Procedures) Amendment (Photo ID) Act 2004 No 105**

### **Schedule 1 Amendment of Licensing and Registration (Uniform Procedures) Act 2002**

Omit “the RTA” wherever occurring in proposed section 80C (3) (as inserted by Schedule 1 [5]).

Insert instead “RMS”.

## **5.18 Liquor Act 2007 No 90**

### **Section 4 Definitions**

Omit “the Roads and Traffic Authority” from paragraph (a) of the definition of *evidence of age document* in section 4 (1).

Insert instead “Roads and Maritime Services”.

## **5.19 Local Government Act 1993 No 30**

### **Dictionary**

Omit “the Roads and Traffic Authority” from the definition of *parking authority for a person with disabilities*.

Insert instead “Roads and Maritime Services”.

## **5.20 Major Events Act 2009 No 73**

### **[1] Section 4 Definitions**

Omit the definition of *RTA* from section 4 (1).

Insert instead in alphabetical order:

*RMS* means Roads and Maritime Services constituted under the *Transport Administration Act 1988*.

### **[2] Sections 26 (2) and (3), 27 (6), (7) and (9), 28 (2), 29, 30 (6) and 32 (2) (e)**

Omit “The RTA” and “the RTA” wherever occurring. Insert instead “RMS”.

## **5.21 Marine Pollution Regulation 2006**

### **[1] Clause 3 Definitions**

Omit the definition of *Authority*. Insert instead:

*Authority* means Roads and Maritime Services constituted under the *Transport Administration Act 1988*.

**[2] Clause 5 Prescribed officers**

Omit clause 5 (1) (c) (iv).

**[3] Clause 5 (1) (d)**

Insert after clause 5 (1) (c):

- (d) the member of the Transport Service holding the position of Manager, Marine Pollution Response.

**5.22 Marine Safety Act 1998 No 121**

**[1] Section 4 Definitions**

Omit the definition of *Maritime Authority* from section 4 (1).

Insert instead in alphabetical order:

*RMS* means Roads and Maritime Services constituted under the *Transport Administration Act 1988*.

**[2] Section 83 Regulations**

Omit “the Maritime Authority” from section 83 (2).

Insert instead “Transport for NSW”.

**[3] Section 83 (2)**

Insert at the end of the subsection:

**Note.** The website of Transport for NSW is [www.transport.nsw.gov.au](http://www.transport.nsw.gov.au).

**[4] Section 96 Appointment of authorised officers (other than harbour masters and police officers)**

Omit section 96 (1). Insert instead:

- (1) The Minister may appoint any of the following as an authorised officer for the purposes of the marine legislation:
  - (a) a member of staff of RMS,
  - (b) a member of staff of a Port Corporation,
  - (c) a member of the Transport Service,
  - (d) a member of staff of a government department or other public or local authority,
  - (e) the Chief Investigator or a member of staff of the Chief Investigator.

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**[5] Section 111 Action by Minister following report of investigation**

Omit “Maritime Authority” from section 111 (2) (h).

Insert instead “RMS, Transport for NSW”.

**[6] Sections 125M (2) and 133 (2) (h) and (i)**

Omit “the Maritime Authority” wherever occurring. Insert instead “RMS”.

**[7] Section 136A**

Omit the section. Insert instead:

**136A Reliance on advice**

- (1) In exercising any function under this Act or the regulations, the Minister, TfNSW or RMS is entitled to rely (wholly or partly) on a certificate, report or other form of advice obtained from an appropriately qualified person engaged for that purpose.
- (2) The Minister, the State, TfNSW, RMS and any person acting on behalf of the Minister, the State, TfNSW or RMS do not incur any liability as a consequence of the Minister, TfNSW or RMS being satisfied of a matter by relying on advice referred to in this section.

## **5.23 Marine Safety (General) Regulation 2009**

### **Clause 51A Definitions**

Omit the definition of *marine pilotage code*. Insert instead:

*marine pilotage code* means the NSW Marine Pilotage Code as in force from time to time and published by the Minister on the website of Transport for NSW.

**Note.** The website of Transport for NSW is [www.transport.nsw.gov.au](http://www.transport.nsw.gov.au).

## **5.24 Motor Accidents Act 1988 No 102**

### **Sections 141 (1) (a2), 148 (2)–(4) and 149 (1) and (2)**

Omit “the Roads and Traffic Authority” and “The Roads and Traffic Authority” wherever occurring.

Insert instead “Roads and Maritime Services”.

## **5.25 Motor Accidents Compensation Act 1999 No 41**

### **[1] Section 3 Definitions**

Omit the definition of *RTA*. Insert instead in alphabetical order:

*RMS* means Roads and Maritime Services constituted under the *Transport Administration Act 1988*.

### **[2] Sections 11 (4), 12 (1), 14 (4)–(6B) and 19 (1)**

Omit “the RTA” and “The RTA” wherever occurring. Insert instead “RMS”.

## **5.26 Motor Dealers Act 1974 No 52**

### **[1] Section 4 Definitions**

Omit “Chief Executive Officer of the Roads and Traffic Authority” from paragraph (e) of the definition of *authorised officer* in section 4 (1).

Insert instead “Chief Executive of Roads and Maritime Services”.

### **[2] Sections 23C (1) (a), 26A (1), 45A (7) and 46 (3A) (a)**

Omit “the Roads and Traffic Authority” wherever occurring.

Insert instead “Roads and Maritime Services”.

## **5.27 Motor Vehicle Repairs Act 1980 No 71**

### **Sections 77 (b1) and 77A (7)**

Omit “the Roads and Traffic Authority” wherever occurring.

Insert instead “Roads and Maritime Services”.

## **5.28 Motor Vehicles Taxation Act 1988 No 111**

### **[1] Section 3 Definitions**

Omit “the Roads and Traffic Authority” from the definition of *Authority* in section 3 (1).

Insert instead “Roads and Maritime Services”.

### **[2] Section 22A Tax to be paid into Roads and Maritime Services Fund**

Omit “Roads and Traffic Authority Fund” from the definition of *Roads Fund* in section 22A (1).

Insert instead “Roads and Maritime Services Fund”.

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## 5.29 National Parks and Wildlife Act 1974 No 80

### [1] Section 184A RMS roads within Kosciuszko National Park

Omit the definition of *the RTA* from section 184A (1).

Insert instead in alphabetical order:

*RMS* means Roads and Maritime Services constituted under the *Transport Administration Act 1988*.

### [2] Section 184A (2) (b), (4), (5), (6) and (8) (a) and Schedule 16, heading

Omit “the RTA” wherever occurring. Insert instead “RMS”.

## 5.30 Parliamentary Electorates and Elections Act 1912 No 41

### Section 3 (1) (definition of “Photo Card”) and notes to sections 29 (8) and 47 (4)

Omit “the Roads and Traffic Authority” wherever occurring.

Insert instead “Roads and Maritime Services”.

## 5.31 Passenger Transport Act 1990 No 39

### [1] Whole Act (except Schedule 3, and a provision amended elsewhere in this Schedule)

Omit “The Director-General”, “the Director-General” and “the Director-General’s” wherever occurring.

Insert instead “TfNSW”, “TfNSW” and “TfNSW’s”, respectively.

### [2] Section 3 Definitions

Omit the definitions of *Director-General* and *Maritime Authority*.

Insert instead in alphabetical order:

*Roads and Maritime Services* or *RMS* means Roads and Maritime Services constituted under the *Transport Administration Act 1988*.

*Transport for NSW* or *TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

### [3] Sections 3 (definition of “regulator”), 46W (2), 53C, 53D, 53E and 66

Omit “the Maritime Authority” and “The Maritime Authority” wherever occurring.

Insert instead “Roads and Maritime Services”.

**[4] Section 6B Arrangements with ITSr for exercise of TfNSW's safety functions**

Omit "his or her" from section 6B (2). Insert instead "TfNSW's".

**[5] Section 46R Authority to enter**

Omit section 46R (2) (f). Insert instead:

- (f) bears the signature of:
  - (i) if TfNSW is the regulator—a person approved by TfNSW, or
  - (ii) if RMS is the regulator—the Chief Executive of RMS or a person approved by the Chief Executive.

**[6] Sections 46W (1) and 62A (3)**

Omit "Transport NSW" wherever occurring. Insert instead "TfNSW".

**[7] Section 53B Requirement to return documents or number-plates**

Omit "the Roads and Traffic Authority" from section 53B (2).

Insert instead "Roads and Maritime Services".

**[8] Section 62 Records and evidentiary matters**

Omit "the Director-General" from section 62 (2).

Insert instead "a person approved by TfNSW for the purposes of this section (*the approved person*)".

**[9] Section 62 (3) (a)**

Omit "Director-General's". Insert instead "approved person's".

**5.32 Photo Card Act 2005 No 20**

**Section 3 Definitions**

Omit "the Roads and Traffic Authority" from the definition of *Authority* in section 3 (1).

Insert instead "Roads and Maritime Services constituted under the *Transport Administration Act 1988*".

### **5.33 Pipelines Act 1967 No 90**

#### **Section 3 Definitions**

Omit “Roads and Traffic Authority” from paragraph (a) of the definition of *public authority* in section 3 (1).

Insert instead “Roads and Maritime Services”.

### **5.34 Protection of the Environment Operations Act 1997 No 156**

#### **Sections 165 (3) and 166 (1)**

Omit “the Roads and Traffic Authority” wherever occurring.

Insert instead “Roads and Maritime Services”.

### **5.35 Protection of the Environment Operations (General) Regulation 2009**

#### **[1] Clause 81 Enforcement officers**

Omit “the Maritime Authority of NSW” from clause 81 (6) (n).

Insert instead “Roads and Maritime Services”.

#### **[2] Clause 81 (6) (o)**

Insert after clause 81 (6) (n):

(o) class 15—a member of staff of Transport for NSW.

#### **[3] Clause 81 (6), note**

Insert “See also section 68L of the *Transport Administration Act 1988* in relation to references to the staff of TfNSW.” at the end of the note.

#### **[4] Clause 86 Roads and Maritime Services**

Omit “The Maritime Authority” from clause 86 (1).

Insert instead “Roads and Maritime Services”.

#### **[5] Clause 86 (1) (d)**

Omit “the Maritime Authority”.

Insert instead “Roads and Maritime Services”.

**[6] Clause 86 (2)**

Omit the subclause. Insert instead:

(2) In this clause:

*Roads and Maritime Services* means Roads and Maritime Services constituted under the *Transport Administration Act 1988*.

**[7] Clause 94 Prohibition on placing advertising material on vehicles**

Omit “the Roads and Traffic Authority” from clause 94 (1) (b).

Insert instead “Roads and Maritime Services”.

**[8] Schedule 6 Penalty notice offences**

Insert “, 15” after “14” wherever occurring in Column 2 of the matter relating to sections 120, 124, 125, 126, 128, 145, 145A, 146A, 146B, 146C, 146E and 211 of the *Protection of the Environment Operations Act 1997*.

**5.36 Public Authorities Superannuation Act 1985 No 41**

**Schedule 3 Employers**

Omit “The Roads and Traffic Authority of New South Wales” from Part 1.

Insert instead “Roads and Maritime Services”.

**5.37 Public Finance and Audit Act 1983 No 152**

**Schedule 2 Statutory bodies**

Omit “Maritime Authority of NSW” and “Roads and Traffic Authority of New South Wales”.

Insert instead in alphabetical order:

Roads and Maritime Services

Transport for NSW

**5.38 Public Sector Employment and Management Act 2002 No 43**

**[1] Section 3 Definitions**

Insert after paragraph (d) of the definition of *public sector service*:

(d1) the Transport Service,

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**[2] Section 63 Definitions**

Insert “, the Transport Service” after “the NSW Health Service” in the definition of *public authority* in section 63 (1).

**[3] Section 63 (2) (a1)**

Omit “the Roads and Traffic Authority”.  
Insert instead “Roads and Maritime Services”.

**[4] Section 63 (2) (a1) and (4)**

Omit “Transport NSW” wherever occurring.  
Insert instead “the Department of Transport”.

**[5] Schedule 1 Divisions of the Government Service**

Omit the matter relating to the Maritime Authority of NSW Division and the Roads and Traffic Authority Division from Part 2.

Insert instead:

* Roads and Maritime Services Division	Chief Executive of Roads and Maritime Services
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**[6] Schedule 1, Part 3**

Omit the matter relating to the Transport Special Services Group, Department of Transport.

**[7] Schedule 2 Executive positions (other than non-statutory SES positions)**

Omit “Chief Executive of the Roads and Traffic Authority” from Part 2.  
Insert instead “Chief Executive of Roads and Maritime Services”.

**[8] Schedule 2, Part 2**

Omit “Chief Executive of the Maritime Authority of NSW”.

**5.39 Public Works Act 1912 No 45**

**Sections 154 and 155 (2)**

Omit “the Roads and Traffic Authority”, “The Roads and Traffic Authority” and “the Authority” wherever occurring.

Insert instead “Roads and Maritime Services”.

#### **5.40 Rail Safety Act 2008 No 97**

##### **Section 109 Temporary closure of railway crossings**

Omit “the Roads and Traffic Authority” from section 109 (2) (b).

Insert instead “Roads and Maritime Services”.

#### **5.41 Rail Safety (General) Regulation 2008**

##### **Clause 32 Definitions**

Insert in alphabetical order:

*rail infrastructure owner* includes a person who is authorised or required to exercise the functions of a rail infrastructure owner under this Part pursuant to a contract or other arrangement with the rail infrastructure owner.

#### **5.42 Recreation Vehicles Act 1983 No 136**

**Sections 15, 16, 17 (1), 18, 19 (1) and (3) (b), 21, 22, 30 (2), 32 (1) (a) and (b) and (4), 41 and 43 (a)**

Omit “the Roads and Traffic Authority” and “The Roads and Traffic Authority” wherever occurring.

Insert instead “Roads and Maritime Services”.

#### **5.43 Road Improvement (Special Funding) Act 1989 No 95**

##### **[1] Section 3 Definitions**

Omit “the Roads and Traffic Authority” from the definition of *Authority*.

Insert instead “Roads and Maritime Services”.

##### **[2] Section 3, definition of “Roads Fund”**

Omit “Roads and Traffic Authority Fund”.

Insert instead “Roads and Maritime Services Fund”.

#### **5.44 Road Transport (Driver Licensing) Act 1998 No 99**

##### **[1] Section 21D Financial assistance for use of approved interlock devices**

Omit “Roads and Traffic Authority Fund” from section 21D (5).

Insert instead “Roads and Maritime Services Fund”.

**[2] Section 40 Purposes for which photographs may be kept and used**

Insert after section 40 (1) (a) (iv):

- (v) an authority under the *Passenger Transport Act 1990*,

**[3] Section 41 Release of photographs prohibited**

Insert after section 41 (1) (b):

- (b1) to Transport for NSW for the purpose of enabling Transport for NSW to exercise its functions under the *Passenger Transport Act 1990*, or

**[4] Dictionary**

Omit “the Roads and Traffic Authority” from the definition of *Authority*.

Insert instead “Roads and Maritime Services constituted under the *Transport Administration Act 1988*”.

**5.45 Road Transport (Driver Licensing) Regulation 2008**

**Clause 104A**

Insert after clause 104:

**104A Release of information to TfNSW**

The Authority may provide to Transport for NSW any information recorded in the driver licence register for the purpose of assisting Transport for NSW to exercise its functions.

**5.46 Road Transport (General) Act 2005 No 11**

**[1] Section 3 Definitions**

Omit “the Roads and Traffic Authority” from the definition of *Authority* in section 3 (1).

Insert instead “Roads and Maritime Services constituted under the *Transport Administration Act 1988*”.

**[2] Section 117 Confidentiality**

Insert “or Transport for NSW” after “the Authority” in section 117 (5) (b) wherever occurring.

**[3] Section 117 (6)**

Insert after section 117 (5):

- (6) Nothing in this section prevents the Authority (or an officer of the Authority) from disclosing information to Transport for NSW.

**[4] Section 119 Authority may provide information to TfNSW and corresponding Authorities**

Insert “Transport for NSW or” after “information to” in section 119 (1).

**[5] Section 225A Protection from liability with respect to clamping, impounding and crash testing**

Insert “Transport for NSW,” after “Commissioner,”.

**5.47 Road Transport (Safety and Traffic Management) Act 1999 No 20**

**Dictionary**

Omit “the Roads and Traffic Authority” from the definition of *Authority* in clause 1.

Insert instead “Roads and Maritime Services constituted under the *Transport Administration Act 1988*”.

**5.48 Road Transport (Safety and Traffic Management) Regulation 1999**

**Clause 138 Schemes to assist children to cross roads**

Omit “The Authority” and “the Authority” wherever occurring.

Insert instead “Transport for NSW”.

**5.49 Road Transport (Vehicle Registration) Act 1997 No 119**

**[1] Section 4 Definitions**

Omit “the Roads and Traffic Authority” from the definition of *Authority*.

Insert instead “Roads and Maritime Services constituted under the *Transport Administration Act 1988*”.

**[2] Section 16T Unauthorised disclosure of information**

Insert after section 16T (d):

- (d1) to Transport for NSW for the purpose of assisting Transport for NSW to exercise its functions, or

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**[3] Section 17S Charges and fees to be paid into Roads and Maritime Services Fund**

Omit “Roads and Maritime Authority” from section 17S (1) and (2) wherever occurring.

Insert instead “Roads and Maritime Services”.

**[4] Section 17S (3)**

Omit the subsection. Insert instead:

(3) In this section:

*Roads and Maritime Services Fund* means the Roads and Maritime Services Fund established under the *Transport Administration Act 1988*.

**5.50 Roads Act 1993 No 33**

**[1] Sections 3 (e)–(g), 7 (1), 10 (1), 24 (2), 26 (3), 27 (2), 32A, 33 (2), 35–38, 48 (2), 52 (1), 52A (1) (b) and (c), 54 (1) and (4), 57–66, 68–70, 72–77, 87, 91 (2), 104 (1), (3) and (4), 115–119, 125 (3), 128 (2), 133 (2) (a), 138 (2) and (3), 139F (1), 144 (2), 144B–144D, 144F (1) and (2), 145 (1), 149 (2), 151 (3), 153 (2), 158–163, 177, 180, 207–216, 220–222, 224, 228, 248 (4) and 250A (1) and (5) and the Dictionary**

Omit “the RTA”, “The RTA” and “the RTA’s” wherever occurring.

Insert instead “RMS”, “RMS” and “RMS’s”, respectively.

**[2] Part 5, Division 3, Part 10, Division 3 and Part 13, Division 4, headings**

Omit “RTA” wherever occurring. Insert instead “RMS”.

**[3] Section 161 RMS development land**

Omit “*RTA development land*” from section 161 (1).

Insert instead “*RMS development land*”.

**[4] Sections 161 (3) and (4), 177 (3) and 179 (2) and clause 28 of Schedule 2**

Omit “RTA development land” wherever occurring.

Insert instead “RMS development land”.

**[5] Section 225 and clause 7 of Schedule 2**

Omit “RTA” wherever occurring. Insert instead “RMS”.

**[6] Dictionary, definitions of “RTA”, “RTA development land” and “RTA Fund”**

Omit the definitions. Insert instead in alphabetical order:

*RMS* means Roads and Maritime Services constituted under the *Transport Administration Act 1988*.

*RMS development land* means land that is declared by RMS to be land to which section 161 applies.

*RMS Fund* means the Roads and Maritime Services Fund established under the *Transport Administration Act 1988*.

**5.51 Rural Fires Act 1997 No 65**

**Section 100A Definitions**

Omit “the Roads and Traffic Authority” from paragraph (c) of the definition of *managed land* in section 100A (1).

Insert instead “Roads and Maritime Services”.

**5.52 Standard Instrument (Local Environmental Plans) Order 2006**

**Standard instrument, clause 5.1 (2)**

Omit “Roads and Traffic Authority”.

Insert instead “Roads and Maritime Services”.

**5.53 State Authorities Non-contributory Superannuation Act 1987 No 212**

**Schedule 1 Employers**

Omit “The Roads and Traffic Authority of New South Wales” from Part 1.

Insert instead “Roads and Maritime Services”.

**5.54 State Authorities Superannuation Act 1987 No 211**

**Schedule 1 Employers**

Omit “The Roads and Traffic Authority of New South Wales” from Part 1.

Insert instead “Roads and Maritime Services”.

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## **5.55 State Public Service Superannuation Act 1985 No 45**

### **Schedule 3 Employers**

Omit “The Roads and Traffic Authority of New South Wales”.

Insert instead “Roads and Maritime Services”.

## **5.56 Superannuation Act 1916 No 28**

### **Schedules 3 and 26**

Omit “Roads and Traffic Authority of New South Wales” wherever occurring.

Insert instead “Roads and Maritime Services”.

## **5.57 Sydney Olympic Park Authority Act 2001 No 57**

### **[1] Section 4 Definitions**

Omit the definition of *RTA* from section 4 (1).

Insert instead in alphabetical order:

*RMS* means Roads and Maritime Services constituted under the *Transport Administration Act 1988*.

### **[2] Sections 19 (7), 41 (5) and (6) and 42 and note to 45**

Omit “the RTA” wherever occurring. Insert instead “RMS”.

## **5.58 Tow Truck Industry Act 1998 No 111**

### **[1] The whole Act (except section 7 and Schedule 2)**

Omit “The RTA”, “the RTA” and “the RTA’s” wherever occurring.

Insert instead “RMS”, “RMS” and “RMS’s”, respectively.

### **[2] Section 3 (1), definitions of “authorised officer” and “RTA”**

Omit the definitions. Insert instead in alphabetical order:

*authorised officer* means a member of staff of the Roads and Maritime Services Division of the Government Service who is authorised in writing by RMS for the purposes of this Act.

*RMS* means Roads and Maritime Services constituted under the *Transport Administration Act 1988*.

**[3] Section 7**

Omit the section. Insert instead:

**7 Functions of TfNSW under this Act**

Transport for NSW has the following functions under this Act:

- (a) to determine regulatory policy for the exercise of the functions of RMS under this Act and the regulations,
- (b) to make reports and recommendations to the Minister with respect to the licensing of tow truck operators and drivers, and the design, construction and equipment of tow trucks,
- (c) to inform the public about the tow truck industry,
- (d) to promote and undertake research into the tow truck industry,
- (e) whenever it considers it necessary to do so, or is requested by the Minister to do so, to make reports or recommendations with respect to the operation of this Act or the tow truck industry.

**5.59 Transport Administration (General) Regulation 2005**

**[1] Clause 3 Definitions**

Insert in alphabetical order:

*prescribed traffic control device* has the same meaning as in Division 1 of Part 4 of the *Road Transport (Safety and Traffic Management) Act 1999*.

**[2] Clause 3, definition of “RTA”**

Omit the definition.

**[3] Clause 3, definition of “traffic control device”**

Omit paragraph (a) of the definition. Insert instead:

- (a) that is in the form of, or is in similar form to, a prescribed traffic control device, and

**[4] Clause 4 Traffic control devices**

Omit “under the *Road Transport (Safety and Traffic Management) Act 1999*” from clause 4 (1).

**[5] Clause 10 Definitions**

Omit the definition of *Western Sydney Buses*. Insert instead:

*Western Sydney Buses* means the corporation of that name that is taken to have been constituted as a public subsidiary corporation of the State Transit Authority as provided by clause 178 of Schedule 7 to the Act.

**[6] Clause 12 Functions of Western Sydney Buses**

Omit “Section 33” from the note. Insert instead “Section 55C”.

**[7] Clause 14 Ministerial responsibility**

Omit “section 29 (Ministerial control)” from clause 14 (1).

Insert instead “section 3B”.

**[8] Clause 14 (2)**

Omit the subclause. Insert instead:

(2) In its application to and in respect of Western Sydney Buses, section 3B of the Act is to be read as if a reference in that section to the Chief Executive of the State Transit Authority included a reference to the Manager of Western Sydney Buses.

**[9] Clause 21 Effect of transfer of assets, rights and liabilities**

Omit “section 33 (5)” from clause 21 (1). Insert instead “section 55C (5)”.

**[10] Clause 34 Delegation to authorised persons: section 40**

Omit the clause.

**[11] Clause 39 Construction of references to SRA in certain environmental planning instruments**

Omit clause 39 (1).

## 5.60 Transport Administration (Staff) Regulation 2005

### Part 5A

Insert after Part 5:

## Part 5A Members of the Transport Service— disciplinary matters

### 44A Definitions

In this Part:

***disciplinary action***, in relation to a member of the Transport Service, means any one or more of the following:

- (a) dismissal,
- (b) deferral of the payment of an increment,
- (c) reduction of the member's salary or demotion to a lower position or grade,
- (d) suspension from duty without payment of salary,
- (e) a caution or reprimand.

***remedial action***, in relation to a member of the Transport Service, means any one or more of the following:

- (a) counselling,
- (b) training and development,
- (c) monitoring the member's conduct or performance,
- (d) implementing a performance improvement plan,
- (e) the issuing of a warning to the member that certain conduct is unacceptable or that the member's performance is not satisfactory,
- (f) transferring the member to another position in the Transport Service that does not involve a reduction of salary or demotion to a lower position,
- (g) any other action of a similar nature.

***serious criminal offence*** means an offence committed in New South Wales that is punishable by imprisonment for 6 months or more or an offence committed elsewhere that, if it had been committed in New South Wales, would be an offence so punishable.

**44B Suspension from duty**

- (1) The Director-General may suspend a member of the Transport Service from duty pending:
  - (a) the institution or determination of any disciplinary proceedings against the member, or
  - (b) the determination by a court of any charge against the member for a serious criminal offence.
- (2) The Director-General may remove a suspension at any time.
- (3) The Director-General may withhold the payment of salary to a member of the Transport Service while the member is suspended from duty under this clause.

**44C Disciplinary proceedings**

- (1) A member of the Transport Service who is subject to any disciplinary proceedings is entitled to be notified in writing by the Director-General of the particulars of the alleged behaviour giving rise to the proceedings.
- (2) A formal hearing is not required to be held before the person or body investigating or dealing with the alleged behaviour, but the member of the Transport Service who is the subject of the proceedings may make representations to that person or body.
- (3) The Director-General may determine any disciplinary proceedings that have been instituted against a member of the Transport Service by:
  - (a) taking disciplinary action with respect to the member, or
  - (b) taking remedial action with respect to the member, or
  - (c) taking no further action.

**44D Members of the Transport Service convicted of serious offences**

If a member of the Transport Service is convicted of a serious criminal offence, the Director-General may:

- (a) take disciplinary action with respect to the member, or
- (b) take remedial action with respect to the member.

## **5.61 Victims Support and Rehabilitation Act 1996 No 115**

### **Section 58 Access to information about whereabouts of defendant**

Omit “the Roads and Traffic Authority”.

Insert instead “Roads and Maritime Services”.

[Second reading speech made in Legislative Council on 23 August 2011  
Agreement in principle speech made in Legislative Assembly on 6 September 2011]

BY AUTHORITY