

TRANSPORT ADMINISTRATION BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill:

- Motor Traffic (Transport Administration) Amendment Bill 1988;
- Motor Vehicles Taxation Bill 1988;
- State Roads (Transport Administration) Amendment Bill 1988;
- State Transport (Co-ordination) (Transport Administration) Amendment Bill 1988;
- Transport Legislation (Repeal and Amendment) Bill 1988.

The object of this Bill is to enact new transport administration legislation dealing with railways, public passenger vehicles or ferries, roads and traffic.

The legislative framework proposed by this Bill and the cognate Bills is as follows:

Transport Administration Bill 1988—

- reconstitutes the State Rail Authority (the “SRA”).
- reconstitutes the Urban Transit Authority and renames it the State Transit Authority (the “STA”).
- continues and expands the general functions of the SRA and the STA.
- provides for the management of the SRA and STA. The SRA and STA are to be managed by Chief Executives. The policies of the SRA and STA are to be determined by Boards which comprise the relevant Chief Executive and part-time members. Provision is made for Ministerial control (subject to certain limitations), preparation of corporate plans and the carrying out of activities through joint ventures or subsidiary corporations.
- confers functions on the Secretary of the Ministry of Transport (the “Secretary”), being the licensing and regulation of public passenger vehicles or ferries, ensuring adequate passenger services and the administration of Government subsidised travel concessions.
- establishes a State Transit Co-ordination Advisory Council to advise the Minister and the Secretary on passenger services.

Transport Administration 1988

- constitutes the Roads and Traffic Authority (the "RTA") which is to replace the Department of Main Roads, the Department of Motor Transport and the Traffic Authority.
- provides for the management of the Roads and Traffic Authority by a Chief Executive, subject to Ministerial control.
- establishes a Roads and Traffic Advisory Council to advise the Minister and the Roads and Traffic Authority on all road and traffic matters.
- provides for the staff of the SRA, STA and RTA.
- deals with financial provisions relating to the SRA, STA and RTA (including fares for SRA and STA services).
- enacts provisions with respect to the activities of the SRA, STA, RTA, the Secretary and the Advisory Councils. In particular, the provisions regulating the operations of the SRA and STA presently in the Government Railways Act 1912 and the Transport Act 1930 have been revised and re-enacted.
- enacts other miscellaneous provisions, including the re-enactment of provisions relating to breath testing etc. of railway staff.
- enacts savings and transitional provisions consequent on the enactment of the Bill and the cognate Bills.

Motor Traffic (Transport Administration) Amendment Bill 1988—

- makes consequential changes to the Motor Traffic Act 1909 on the transfer to the RTA of the functions of the Commissioner for Motor Transport and of the Traffic Authority.
- incorporates into the Motor Traffic Act 1909 the provisions in the General Traffic Act 1900 relating to the regulation of pedestrians, horses and vehicles other than motor vehicles.
- as a consequence, changes the short title of the Motor Traffic Act 1909 to the Traffic Act 1909.

Motor Vehicles Taxation Bill 1988—

- consolidates the existing legislation dealing with motor vehicle tax payable on the registration of motor vehicles.
- transfers the administration of that legislation from the Commissioner for Motor Transport to the RTA.
- removes provisions for the automatic adjustment of rates of motor vehicle tax.

State Roads (Transport Administration) Amendment Bill 1988—

- makes consequential changes to the State Roads Act 1986 on the transfer to the RTA of the functions of the Commissioner for Main Roads.
- removes provisions from the State Roads Act 1986 relating to the office, staff and financial affairs of the Commissioner for Main Roads and the Department of Main Roads.

State Transport (Co-ordination) (Transport Administration) Amendment Bill 1988—

- makes consequential changes to the State Transport (Co-ordination) Act 1931 on the transfer to the Secretary of the functions of the Commissioner for Motor Transport relating to the licensing and regulation of buses, taxi-cabs or other public passenger vehicles or ferries.
- as a consequence, changes the short title of the Act to the Transport Licensing Act 1931 and makes other consequential changes.

Transport Administration 1988

Transport Legislation (Repeal and Amendment) Bill 1988—

- repeals Acts, regulations etc. which are to be replaced by the new transport legislation.
- amends various Acts as a consequence of the enactment of that legislation.

The Transport Administration Bill 1988 contains the following provisions:

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days appointed by proclamation.

Clause 3 contains general definitions for the purposes of the proposed Act.

PART 2—STATE RAIL AUTHORITY**Division 1—Constitution of State Rail Authority**

Clause 4 constitutes, as a corporate body representing the Crown, the State Rail Authority (the “SRA”).

Division 2—General functions of State Rail Authority

Clause 5 requires the SRA to continue to operate railway passenger and freight services, but enables the SRA to alter or discontinue its existing services.

Clause 6 enables the SRA to provide other transport services in connection with its railway services, such as bus or road freight services.

Clause 7 imposes a duty on the SRA to operate its services safely and efficiently and in accordance with sound commercial practice.

Clause 8 confers miscellaneous powers and functions on the SRA which will expand its general business and commercial powers. In particular, the SRA is to be authorised to conduct any other business in order to utilise its staff and facilities (whether or not the business is related to the operation of its railway or other transport services).

Division 3—Management of State Rail Authority

Clause 9 constitutes a State Rail Authority Board comprising the Chief Executive of the SRA and up to 7 other members appointed by the Minister. The appointed members are to have appropriate managerial or other qualifications. Existing provisions for the appointment to the Board of Deputy Chief Executives of the SRA, the Managing Director of the UTA, a staff elected director and a representative of the Labor Council have not been continued.

Clause 10 provides that the function of the SRA Board is to determine the policies of the SRA.

Clause 11 provides for the appointment of a Chief Executive of the SRA by the Governor after the SRA Board has been given an opportunity to recommend a person or persons for appointment.

Clause 12 provides for the affairs of the SRA to be managed and controlled by the Chief Executive of the SRA in accordance with the policies of the SRA Board.

Transport Administration 1988

Clause 13 deals with Ministerial control of the SRA. Under the clause—

- (a) any direction by the Minister must be in writing;
- (b) the SRA Board may request the Minister to review the direction if the SRA would suffer a significant financial loss;
- (c) the SRA is not obliged to comply with the direction pending the review; and
- (d) the Minister may confirm the direction following the review only if the Minister, with the approval of the Treasurer, agrees to re-imburse the SRA from public revenue for the estimated loss incurred by the SRA in complying with the direction.

Clause 14 requires the SRA to supply the Minister with relevant information of its activities.

Clause 15 makes provision for the preparation and annual review of a corporate plan for the SRA. Under the clause—

- (a) the SRA is required each year to prepare a corporate plan having regard to such comments as the Minister may make on the draft plan;
- (b) the SRA is required to exercise its functions, as far as practicable, in accordance with the plan;
- (c) the plan is to specify objectives, policies etc. to achieve those objectives and criteria to assess performance; and
- (d) special provision is made for a report on the existing non-commercial activities of the SRA.

Clause 16 enables the SRA to exercise its functions through public or private subsidiary corporations, joint ventures, partnerships etc.

Clause 17 makes provision for public subsidiary corporations (being statutory bodies representing the Crown). The clause enables such a corporation to be established by regulation to exercise specified or delegated functions of the SRA and enables appropriate assets and liabilities of the SRA to be transferred to it.

The provision will enable the Government to allow the SRA to operate a part of its activities as a separate business. As a body representing the Crown, the subsidiary would not be liable to pay income tax.

Clause 18 authorises the SRA to form private companies, to acquire interests in private companies or to dispose of any such interest. The Minister's approval is required if such a private company becomes or ceases to be a private subsidiary corporation (namely, a private corporation in which the SRA has a controlling interest). A private subsidiary corporation is not to be a statutory body representing the Crown.

Clause 19 authorises the delegation of the functions of the SRA to authorised persons.

PART 3—STATE TRANSIT AUTHORITY

Division 1—Constitution of State Transit Authority

Clause 20 constitutes, as a corporate body representing the Crown, the State Transit Authority (the "STA"). The STA is to be the successor of the Urban Transit Authority.

Division 2—General functions of State Transit Authority

Clause 21 requires the STA to continue to operate bus services, but enables the STA to alter or discontinue its existing services. The limitation on the operation of UTA bus services to the Sydney, Newcastle and Wollongong transport districts has not been retained, but any bus operation will, under the cognate Acts, be required to be licensed in the same way as bus services of private operators.

Transport Administration 1988

Clause 22 requires the STA to continue to operate ferry services, but enables the STA to alter or discontinue its existing services.

Clause 23 imposes a duty on the STA to operate its services safely and efficiently and in accordance with sound commercial practice.

Clause 24 confers miscellaneous powers and functions on the STA which will expand its general business and commercial powers. In particular, the STA is to be authorised to conduct any other business in order to utilise its staff and facilities (whether or not the business is related to the operation of its bus or ferry services).

Division 3—Management of State Transit Authority

Clause 25 constitutes a State Transit Authority Board comprising the Chief Executive of the STA and up to 7 other members appointed by the Minister. The appointed members are to have appropriate managerial or other qualifications. Existing provisions for the appointment to the Board of Deputy Chief Executives of the SRA, a staff elected director, representatives of bus proprietors and of the Labor Council and of other interest groups have not been continued.

Clause 26 provides that the function of the STA Board is to determine the policies of the STA.

Clause 27 provides for the appointment of a Chief Executive of the STA by the Governor after the STA Board has been given an opportunity to recommend a person or persons for appointment.

Clause 28 provides for the affairs of the STA to be managed and controlled by the Chief Executive of the STA in accordance with the policies of the STA Board.

Clause 29 deals with Ministerial control of the STA in similar terms to clause 13 for the SRA.

Clause 30 requires the STA to supply the Minister with relevant information of its activities.

Clause 31 makes provision for the preparation and annual review of corporate plans for the STA in similar terms to clause 15 for the SRA.

Clause 32 enables the STA to exercise its functions through public or private subsidiary corporations, joint ventures, partnerships etc.

Clause 33 makes provision for public subsidiary corporations of the STA in similar terms to clause 17 for the SRA.

Clause 34 makes provision for the acquisition of interests in private corporations, and the formation of private subsidiary corporations of the STA in similar terms to clause 18 for the SRA.

Clause 35 enables the STA to delegate its functions to an authorised person.

PART 4—SECRETARY OF THE MINISTRY OF TRANSPORT

Clause 36 defines “Secretary” for the purposes of the Part.

Clause 37 confers such functions on the Secretary with respect to the licensing and regulation of buses, taxi-cabs and other public passenger vehicles or ferries as are presently exercised by the Commissioner for Motor Transport. The functions do not concern those relating to the registration of motor vehicles which are to be transferred to the Roads and Traffic Authority.

Transport Administration 1988

Clause 38 requires the Secretary, in consultation with the SRA and STA and within available financial resources, to ensure the provision of efficient, adequate and economic passenger services. A similar function is presently exercised by the UTA under section 37 of the Transport Authorities Act 1980.

Clause 39 empowers the Secretary to administer or arrange for the administration of Government subsidised travel concession schemes, such as the school children travel concession scheme.

Clause 40 authorises the Secretary to delegate his or her functions to an authorised person.

Clause 41 states that the Secretary, in exercising functions conferred by the proposed Part, is subject to Ministerial control.

Clause 42 provides for arrangements to be made to enable the Secretary to use the staff and facilities of the STA for the purpose of exercising those functions.

Clause 43 confers a general power on the Secretary to enter into contracts etc. for the carrying out of works or the supply of goods and services in connection with those functions.

PART 5—STATE TRANSIT CO-ORDINATION ADVISORY COUNCIL

Clause 44 constitutes a State Transit Co-ordination Advisory Council comprising—

- (a) the Secretary of the Ministry of Transport, the Chief Executive of the SRA and the Chief Executive of the STA; and
- (b) up to 9 members appointed by the Minister, including representatives of metropolitan and country bus proprietors, taxi-cab proprietors and the Labor Council.

Clause 45 sets out the functions of the Advisory Council. The Advisory Council is to advise the Minister and the Secretary on any matter relating to the development, co-ordination or regulation of passenger services throughout the State.

PART 6—ROADS AND TRAFFIC AUTHORITY**Division 1—Constitution, management and general functions of Roads and Traffic Authority**

Clause 46 constitutes, as a corporate body representing the Crown, the Roads and Traffic Authority (the "RTA"). The RTA is to replace the Department of Main Roads, the Department of Motor Transport and the Traffic Authority.

Clause 47 provides for the appointment of a Chief Executive of the RTA by the Governor.

Clause 48 provides for the affairs of the RTA to be managed and controlled by the Chief Executive of the RTA.

Clause 49 declares that the Chief Executive of the RTA is subject to Ministerial control.

Clause 50 authorises the RTA to delegate its functions to authorised persons.

Clause 51 enables the RTA to exercise its functions through private subsidiary corporations, joint ventures, partnerships etc.

Transport Administration 1988

Clause 52 authorises the RTA to acquire interests in private corporations, and to form private subsidiary corporations, in similar terms to clause 18 for the SRA.

Clause 53 confers miscellaneous powers and functions on the RTA which will expand the existing general business and commercial powers of the DMR. In particular, the RTA is to be authorised to conduct any other business in order to utilise its staff and facilities (whether or not the business is related to its usual activities).

Division 2—Roads and Traffic Advisory Council

Clause 54 establishes a Roads and Traffic Advisory Council comprising—

- (a) the Chief Executive of the RTA, the Director of Planning, the Secretary of the Ministry of Transport and the Commissioner of Police; and
- (b) 5 members appointed by the Minister to represent the NRMA, the road freight industry, the Local Government and Shires Associations, the Labor Council and the medical profession.

Clause 55 sets out the functions of the Advisory Council. The Advisory Council is to advise the RTA (and if necessary the Minister) on a wide range of matters relating to roads and traffic.

PART 7—STAFF OF AUTHORITIES

Division 1—Staff of State Rail Authority

Clause 56 authorises the SRA to employ necessary staff. The staff is not employed under the Public Sector Management Act 1988.

Clause 57 authorises the SRA to fix the salary, wages and conditions of employment of its staff (subject to any other Act or law).

Clause 58 authorises regulations to be made with respect to the employment of the staff of the SRA. The regulations are to be subject to any industrial award or agreement in connection with conditions of employment.

Clause 59 re-enacts (in Schedule 4) the existing provisions in Part IVA of the Transport Authorities Act 1980 relating to alcohol and other drug offences committed by certain railway staff and the breath testing of that staff to detect offences.

Division 2—Staff of State Transit Authority

Clauses 60–62 make similar provision for the employment of the staff of the STA as in clauses 56–58 for the SRA. However, the existing provisions in the Transport Authorities Act 1980 for the SRA to act for the UTA in staff matters and for common employment opportunities for staff of the SRA and UTA have not been reproduced.

Division 3—Staff of Roads and Traffic Authority

Clauses 63–65 make similar provision for the employment of the staff of the RTA as in clauses 56–58 for the SRA.

Division 4—General provisions relating to staff of Authorities

Clause 66 authorises the SRA, STA or RTA to arrange for the use of the staff and facilities of other Government departments and of public or local authorities.

Clause 67 enables the SRA, STA or RTA to engage consultants.

Transport Administration 1988

Clause 68 applies, in Schedule 5, the existing extended or long service leave entitlements of existing transport staff to the staff of the SRA, STA and RTA. However those entitlements may be varied by an industrial award or agreement.

PART 8—FINANCIAL PROVISIONS**Division 1—Financial provisions relating to State Rail Authority**

Clause 69 continues the State Rail Authority Fund in the Special Deposits Account in the Treasury.

Clause 70 provides for the payment into the SRA Fund of Government grants, revenue and other money of the SRA.

Clause 71 provides for the payment from the SRA Fund of all payments required to be made by the SRA.

Clause 72 requires the payment of a dividend to the Treasurer by the SRA from any surplus for a financial year.

Provision in the existing Transport Authorities Act 1980 for the payment of revenue supplements to the SRA (and the UTA) have not been reproduced, nor have the provisions which made special provision for the determination of the capital of the SRA and UTA and precluded the application of normal accounting principles.

Division 2—Financial provisions relating to State Transit Authority

Clause 73 continues (under the name of the State Transit Authority Fund) the UTA Fund in the Special Deposits Account in the Treasury.

Clause 74 provides for the payment into the STA Fund of Government grants, revenue and other money of the STA.

Clause 75 provides for the payment from the STA Fund of all payments required to be made by the STA.

Clause 76 requires the payment of dividend to the Treasurer by the STA from any surplus for a financial year.

Division 3—Financial provisions relating to Roads and Traffic Authority

Clause 77 establishes the Roads and Traffic Authority Fund in the Special Deposits Account in the Treasury. The RTA Fund replaces the Metropolitan Roads Fund, the Country Roads Fund and the Commonwealth Fund under the State Roads Act 1986.

Clause 78 provides for payment into the RTA Fund of Government grants, revenue or other money of the RTA except for payments to be funded through the Consolidated Fund (namely, certain appropriations for non-capital expenditure to be prescribed, motor vehicle tax and fees payable for the registration of vehicles etc.). Commonwealth grants are to be paid into and appropriated from the Consolidated Fund.

Clause 79 provides for payment from the RTA Fund of payments required to be made by the RTA, except those relating to matters excluded from the Fund under clause 78.

Clause 80 continues an existing provision in the State Roads Act 1986 which requires money to have been appropriated for a State work carried out on behalf of another Government body before the RTA incurs expenditure in carrying out the work.

Transport Administration 1988

Division 4—Financial provisions relating to Authorities generally

Clause 81 re-enacts the existing duties of financial management and reporting to the Treasurer in section 67 of the Transport Authorities Act 1980 and applies them to the RTA in addition to the SRA and STA.

Clause 82 provides for the financial year of the SRA, STA and RTA.

Clause 83 enables the Minister to direct certain money to be paid to the SRA Fund instead of the STA Fund, and vice versa.

Division 5—Charges for services of State Rail Authority and State Transit Authority

Clause 84 defines “charges” for the purposes of the Division to include all fares, tolls etc.

Clause 85 provides, as at present, for orders to be made by the SRA and STA fixing charges for railway services, bus or ferry services and other purposes. The SRA or STA is not precluded from negotiating a lower charge for a service (such as the carriage of freight) than that provided by an order.

Clause 86 removes the present requirement that the Minister’s concurrence is required before an order is made fixing charges for railway passenger or freight services, bus or ferry services etc. Under the clause the Minister is to be informed of proposed adjustments in charges and may issue advisory pricing policies. However, if the Minister wishes to direct the SRA or STA on any proposed order, the Ministerial direction provisions of the proposed Act will apply and the SRA or STA would not be obliged to defer or decrease any proposed increased charges unless it is agreed that the financial loss suffered by the SRA or STA will be reimbursed from public revenue.

Clause 87 re-enacts existing ancillary provisions in section 71 of the Transport Authorities Act 1980 relating to the making of orders by the SRA or STA fixing fares.

Clause 88 provides for the determination by the Minister of the classes of persons entitled to free or concessional travel passes on SRA or STA services. At present the persons entitled to free railway passes are set out in the Government Railways Act 1912. The SRA and STA are to be fully reimbursed from public revenue for the costs of providing free or concessional travel.

PART 9—MISCELLANEOUS**Division 1—Miscellaneous provisions relating to State Rail Authority**

Clause 89 enables the SRA, with the Minister’s approval, to sell, lease or otherwise dispose of land. At present the approval of the Governor-in-Council is required.

Clause 90 authorises the resumption of land for the purposes of the SRA in accordance with the Public Works Act 1912, as modified by Schedule 6.

Clause 91 declares that the SRA is no longer a common carrier (and therefore not subject to the obligations and immunities which attach by law to common carriers).

Clause 92 authorises the SRA to cease maintaining railway lines on which it does not operate any services, unless the Minister otherwise directs and, if required, agrees to reimburse the SRA for its financial loss.

Clause 93 prohibits the SRA from closing a railway line and disposing of the land and works without the authority of an Act of Parliament.

Transport Administration 1988

Clause 94 authorises the SRA, with the approval of the Minister and with due notice, to close a railway level-crossing. At present the approval of the Governor-in-Council is required.

Clause 95 empowers the Minister to order inquiries into railway accidents and to obtain reports of those inquiries or of any formal inquiries instituted by the SRA.

Clause 96 re-enacts the existing provisions of section 145 of the Government Railways Act 1912 which limit any particular claim against the SRA for loss or damage to property resulting from a fire to \$20,000. Under the clause the maximum amount is to be increased to \$50,000.

Clause 97 re-enacts the existing provisions of section 130 of the Government Railways Act 1912 which make it an offence, among other things, to travel on a train without previously having paid the fare.

Clause 98 re-enacts the existing provisions of section 134B of the Government Railways Act 1912 which empower certain authorised officers of the SRA to stop vehicles and persons at railway goods yards in search of stolen goods.

Clause 99 empowers the making of regulations relating to the railway and other transport services of the SRA and, in particular, to preserve security, safety and order on railways and trains.

Division 2—Miscellaneous provisions relating to the State Transit Authority

Clause 100 enables the STA, with the Minister's approval, to sell, lease or otherwise dispose of land. At present the approval of the Governor-in-Council is required.

Clause 101 authorises the resumption of land for the purposes of the STA in accordance with the Public Works Act 1912, as modified by Schedule 6.

Clause 102 declares that the STA is no longer a common carrier (and therefore not subject to the obligations and immunities which attach by law to common carriers).

Clause 103 empowers the Minister to order inquiries into bus or ferry accidents and to obtain reports of those inquiries or of any formal inquiries instituted by the STA.

Clause 104 empowers the making of regulations relating to the bus or ferry services of the STA and, in particular, to preserve security, safety and order on buses and ferries.

Division 3—Miscellaneous provisions relating to Roads and Traffic Authority

Clause 105 empowers the RTA to acquire property by gift, bequest or devise and to agree to a condition of the gift despite the rule of law relating to remoteness of vesting.

Clause 106 re-enacts existing provisions in section 204 of the Transport Act 1930 which provide for grants to councils in the Sydney, Newcastle or Wollongong transport districts from motor vehicle tax receipts on buses to reimburse councils for the damage done to roads in their areas by those buses.

Division 4—Miscellaneous provisions relating to transport authorities

Clause 107 defines "transport authority" for the purposes of the Division to mean the SRA, STA, RTA or the Secretary of the Ministry of Transport.

Clause 108 prescribes the Sydney, Newcastle and Wollongong transport districts for the purposes of the proposed Act and associated transport legislation.

Transport Administration 1988

Clause 109 makes provision for the custody and use of the seal of the SRA, STA and RTA.

Clause 110 enacts miscellaneous existing provisions which clarify and expand the power of a transport authority to enter into contracts.

Clause 111 provides for disputes between transport authorities or between a transport authority and some other public or local authority to be referred to a relevant Minister.

Clause 112 exculpates from personal liability the members of the board of a transport authority or persons duly acting under direction for any matter or thing done in good faith in the execution of official duties.

Clause 113 creates a presumption of validity for acts required to be done in accordance with Ministerial directions or on the recommendation of a transport authority.

Clause 114 enables resumptions of land to be rescinded.

Clause 115 enables a transport authority to recover charges etc. due as a debt.

Clause 116 re-enacts the existing provisions of section 74 of the Transport Authorities Act 1980 relating to parking offences on SRA or STA land.

Clause 117 re-enacts the existing provisions of section 75 of the Transport Authorities Act 1980 relating to the issue of "on-the-spot" or penalty notices for certain offences under the proposed Act or regulations.

Clause 118 provides that offences against the proposed Act or regulations may be dealt with in a summary manner before a Local Court.

Clause 119 empowers the making of regulations generally for the purposes of the proposed Act.

Clause 120 is a formal provision that gives effect to the savings, transitional and other provisions in Schedule 7.

Schedule 1 contains provisions relating to the constitution and procedure of the SRA Board and the STA Board.

In addition to the usual provisions, the Schedule—

- (a) provides for one of the members (including the Chief Executive) to be appointed as Chairperson of a Board (clause 3);
- (b) provides for the appointment of deputies of members (clause 4);
- (c) provides a maximum 3 year term of office for part-time members (clause 5);
- (d) requires members to disclose pecuniary interests at meetings (clause 8);
- (e) allows a Board to transact its business by the circulation of papers or by telephone or closed-circuit television (clause 15).

Schedule 2 contains provisions relating to the Chief Executives of the SRA, STA and RTA. In addition to the usual provisions, the Schedule—

- (a) provides for the appointment of an acting Chief Executive (clause 3);
- (b) provides a maximum 5 year term of office (clause 4);
- (c) provides that the remuneration of a Chief Executive will be determined by the Governor-in-Council instead of the Statutory and Other Offices Remuneration Tribunal (clause 6);
- (d) excludes the application of the Public Sector Management Act 1988, except Part 8 relating to the removal of statutory officers from office (clause 9).

Transport Administration 1988

Schedule 3 contains provisions relating to the State Transit Co-ordination Advisory Council and the Roads and Traffic Advisory Council. In addition to the usual provisions, the Schedule—

- (a) provides that the Secretary of the Ministry of Transport will be the Chairperson of the State Transit Co-ordination Advisory Council and that a non-Government member appointed by the Minister will be the Chairperson of the Roads and Traffic Advisory Council (clause 3);
- (b) provides a maximum 3 year term of office (clause 5).

Schedule 4 contains the provisions relating to railway staff (alcohol and other drugs) mentioned in clause 59.

Schedule 5 contains the provisions relating to extended leave for staff of each Authority mentioned in clause 68.

Schedule 6 contains the modifications of the Public Works Act 1912 mentioned in clauses 90 and 101.

Schedule 7 contains savings, transitional and other provisions consequent on the enactment of the proposed Act and the cognate Acts. The principal provisions are as follows:

Provisions relating to SRA

- The SRA as constituted under the proposed Act is to be the same legal entity as the SRA as previously constituted (clause 3)
- The existing Chief Executive of the SRA is continued in office (clause 4)
- The existing Deputy Chief Executives of the SRA are to be entitled to be employed at current salary by the SRA (clause 5)
- All existing part-time members of the SRA are to vacate office (clause 6)
- All existing staff of the SRA are to be deemed to be employed by the SRA under the proposed Act (clause 7)
- The Railway Workshops Board is abolished (clause 9)

Provisions relating to STA

- The STA is to be the same legal entity (under a different name) as the UTA (clause 13)
- The existing Managing Director of the UTA is continued in office as Chief Executive of the STA (clause 14)
- All existing part-time members of the UTA are to vacate office (clause 15)
- All existing staff of the UTA are to be deemed to be employed by the STA under the proposed Act (clause 16)

Provisions relating to SRA and STA

- Existing orders fixing passenger or freight charges are to be continued in force (clause 19)
- Existing free or concessional travel passes are to be continued in force (clause 20)

Annual and public holiday leave rights previously in Schedule 4 to the Transport Authorities Act 1980 are to be preserved until changed by award, industrial agreement, regulation or determination (clause 21)

Transport Administration 1988

Provisions relating to RTA

- The corporations comprising the Commissioner for Main Roads, the Commissioner for Motor Transport and the Traffic Authority, together with the Departments of Main Roads and Motor Transport are to be abolished (clause 23)
- The assets and liabilities of the abolished authorities are to be transferred to the RTA (clause 24)
- The person holding office as Commissioner for Main Roads is deemed to have been appointed as Chief Executive of the RTA (clause 25)
- The persons holding office as Commissioner and Assistant Commissioner for Motor Transport are to be entitled to be appointed to some position in the service of the Government at current salary (clause 26)
- All existing staff of DMR, DMT and Traffic Authority are to be deemed to be employed by the RTA in accordance with conditions applying to DMR staff. DMT and Traffic Authority staff will transfer to DMR grades and classifications determined by order by the Chief Executive, but will not suffer any reduction in salary or loss of accrued rights (clause 27)
- Money to the credit of the Traffic Facilities Fund and the DMR Funds is to be transferred to the RTA Fund (clauses 30, 31)

Provisions relating to licensing of public passenger vehicles and ferries

- The conditions of bus service licences under the Transport Act 1930 for metropolitan services are to become conditions of the licences under the State Transport (Co-ordination) Act 1931 for the buses to which the service licences applied (clause 36)
- Tourist and other special purpose bus permits under the Transport Act 1930 are to be deemed to be permits under the State Transport (Co-ordination) Act 1931 (clause 37)
- The Public Vehicles Fund is to be abolished and any credit transferred to the Consolidated Fund (clause 39)

General provisions

- Provision is made for construction of references to superseded transport authorities (clause 41)
 - The special workers compensation entitlements of SRA, UTA and DMT staff are not continued (at present totally or partially incapacitated staff are entitled to full salary maintenance at their previous grade and classification). Provision is made to retain the special entitlements if the member is totally or partially incapacitated as a result of an injury received before the commencement of the proposed Act. Partially incapacitated members will cease to be entitled to those special entitlements and will be subject to ordinary workers compensation entitlements if they refuse an offer of employment for which they are medically fit (clause 46).
-