

Passed by both Houses



New South Wales

Transport Administration Amendment Bill 2010

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2010*



New South Wales

Transport Administration Amendment Bill 2010

Act No , 2010

An Act to amend the *Transport Administration Act 1988* to make further provision with respect to the administration of public transport in New South Wales; and for other purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Transport Administration Amendment Act 2010*.

2 Commencement

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

Schedule 1 Principal amendments

1.1 Transport Administration Act 1988 No 109

[1] Section 2A

Insert after section 2:

2A Objects of Act

The objects of this Act with respect to the administration of the transport services provided to the people of New South Wales include the following:

- (a) to provide an efficient and accountable framework for the governance of the delivery of transport services,
- (b) to enable strategic directions to be set for integrated transport services,
- (c) to enable effective planning and delivery of transport infrastructure and services,
- (d) to facilitate the mobilisation and prioritisation of key resources across the transport sector,
- (e) to co-ordinate the activities of those engaged in the delivery of transport services,
- (f) to maintain independent regulatory arrangements for securing the safety of transport services.

[2] Section 3 Definitions

Omit the definition of *Director-General* from section 3 (1). Insert instead:

Director-General means the Director-General of Transport NSW.

[3] Section 3 (1)

Insert in alphabetical order:

Transport NSW means Transport NSW established under Chapter 1A of the *Public Sector Employment and Management Act 2002*.

[4] Section 3B

Insert after section 3A:

3B Ministerial responsibility and delegation

- (1) The Director-General and the chief executives of the following bodies are, in the exercise of their functions, subject to the control and direction of the Minister:
 - (a) RailCorp,
 - (b) Roads and Traffic Authority,
 - (c) State Transit Authority,
 - (d) Sydney Ferries,
 - (e) Transport Construction Authority,
 - (f) Country Rail Infrastructure Authority.

Note. Section 42P provides for limited Ministerial control and direction of the ITSr.
- (2) The Minister may delegate to the Director-General, or to any such chief executive, any function of the Minister under this Act, other than this power of delegation.

[5] Part 1A

Insert after Part 1:

Part 1A Director-General of Transport NSW

3C General functions of Director-General

- (1) The Director-General has the following functions:
 - (a) **Transport planning and policy**

Transport planning and policy, including for integrated transport and land use strategies for metropolitan and regional areas.
 - (b) **Transport public funding**

The administration of the allocation of public funding for public transport agencies.
 - (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 sector.

- (d) **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.
- (e) **Transport services co-ordination**
The co-ordination of transport services, including timetabling for transport services and providing for effective transport interchanges.
- (f) **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.
- (g) **Transport information**
The provision of information about transport services and transport infrastructure to assist people to use those services or infrastructure.
- (h) **Provision and deployment of transport agency staff and services**
The provision of corporate and shared services to public transport agencies and the deployment to priority areas of public transport agency staff.
- (i) **Ticketing for transport services**
Regulating the types of tickets and other ticketing arrangements for the setting of fares for transport services.
- (j) **Precinct land planning**
Assisting the Minister for Planning 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.
- (k) **Other functions**
The other functions conferred or imposed on the Director-General by or under:
 - (i) this Part, Division 2A of Part 9 or any other provision of this Act, or
 - (ii) the *Passenger Transport Act 1990* or any other Act.

- (2) The Director-General is to prepare and make publicly available a Transport NSW corporate plan for his or her activities in the next 5 financial years. The Director-General is to revise the plan annually.
- (3) Any function of the Director-General may be exercised in relation to all or to any one or more kinds of transport services.
- (4) In this section:
 - public transport agency* means RailCorp, the Roads and Traffic Authority, the State Transit Authority, Sydney Ferries, the Transport Construction Authority, the Country Rail Infrastructure Authority and their public or private subsidiary corporations.
 - transport infrastructure* includes road and rail infrastructure.
 - transport services* include railway passenger services (including heavy rail, metro rail and light rail services), bus services and ferry services.

3D Directions by Director-General to public transport agencies

- (1) The Director-General may, for the purpose of exercising his or her functions, give directions to the following bodies in relation to the exercise of their functions:
 - (a) RailCorp,
 - (b) Roads and Traffic Authority,
 - (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.

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 the Director-General under this section.
- (2) A body referred to in subsection (1) is required to provide the Director-General, at such times and in such form as he or she directs, with the following:
 - (a) the operating and capital works budget of the body for the next year and forward years,

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- (b) any other information held by or relating to the body that the Director-General considers is required for the purposes of exercising his or her functions.

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

- (3) This section is not subject to any contract under section 3C (1) (d) with a body referred to in subsection (1).

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

- (1) In this section:

direction means a direction given by the Director-General under section 3D to 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 ITSRR is, in accordance with an arrangement under section 6B of the *Passenger Transport Act 1990*, assisting the Director-General in connection with the exercise of the Director-General's functions under that Act in relation to bus services), or
- (c) in the case of a direction relating to ferry services—the Maritime Authority of NSW.

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 the Director-General of the likely impact on its safety management system of compliance with a direction of the Director-General (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, the Director-General 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) the Director-General does not change, revoke or suspend the direction, and
 - (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 the Director-General and the transport authority of the result of its review.
- (6) The Director-General 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 the Director-General decides, as a result of the review, to change or confirm the direction,
whichever first occurs. However, the Director-General may extend the suspension beyond the period that it would otherwise cease under this subsection.
- (8) The Director-General 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.

3F Delegation of Director-General's functions

- (1) The Director-General may delegate to an authorised person any of the Director-General's functions under this Act, other than this power of delegation.

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- (2) A delegate may sub-delegate to an authorised person any function delegated by the Director-General if the delegate is authorised in writing to do so by the Director-General.
- (3) In this section, *authorised person* means:
- (a) a member of staff of Transport NSW, or
 - (b) a person of a class prescribed by the regulations.
- [6] Sections 13, 14, 25, 26, 35H and 35I (Boards of RailCorp, STA and Sydney Ferries)**
Omit the sections.
- [7] Section 15**
Omit the section. Insert instead:
- 15 Chief Executive of RailCorp**
- The Director-General may, with the approval of the Minister, appoint a Chief Executive of RailCorp.
- Note.** Schedule 2 contains ancillary provisions relating to the Chief Executive of RailCorp.
- [8] Section 16 Chief Executive to manage RailCorp**
Omit section 16 (1). Insert instead:
- (1) The affairs of RailCorp are to be managed and controlled by the Chief Executive of RailCorp in accordance with any directions of the Director-General under section 3D.
- [9] Sections 17B (1) and (2), 31 (1), (2) and (4A) and 35N (1) and (2)**
Omit “the Minister” wherever occurring.
Insert instead “the Director-General”.
- [10] Sections 17B (7) and 35N (7)**
Omit “any direction by the Minister under this Division” wherever occurring.
Insert instead “any direction by the Minister or the Director-General under this Act”.
- [11] Section 17F Delegation of functions of RailCorp**
Omit “RailCorp Board” from section 17F (3) (b).
Insert instead “Director-General”.

[12] Section 27

Omit the section. Insert instead:

27 Chief Executive of STA

The Director-General may, with the approval of the Minister, appoint a Chief Executive of the State Transit Authority.

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

[13] Section 28 Chief Executive to manage STA

Omit “in accordance with the policies of the State Transit Authority Board” from section 28 (1).

Insert instead “in accordance with any directions of the Director-General under section 3D”.

[14] Section 35 Delegation of functions of STA

Omit “State Transit Authority Board” from section 35 (3) (b).

Insert instead “Director-General”.

[15] Section 35J

Omit the section. Insert instead:

35J Chief Executive of Sydney Ferries

The Director-General may, with the approval of the Minister, appoint a Chief Executive of Sydney Ferries.

Note. Schedule 2 contains ancillary provisions relating to the Chief Executive of Sydney Ferries.

[16] Section 35K Chief Executive to manage Sydney Ferries

Omit section 35K (1). Insert instead:

- (1) The affairs of Sydney Ferries are to be managed and controlled by the Chief Executive of Sydney Ferries in accordance with any directions of the Director-General under section 3D.

[17] Section 35QA Delegation of functions of Sydney Ferries

Omit “Sydney Ferries Board” from section 35QA (3) (b).

Insert instead “Director-General”.

[18] Part 5

Omit the Part. Insert instead:

Part 5 Transport Advisory Council

43 Establishment of Transport Advisory Council

- (1) There is established by this Act a Transport Advisory Council.
- (2) The Advisory Council is to consist of the following members:
 - (a) the Director-General or a member of staff of Transport NSW nominated by the Director-General,
 - (b) no fewer than 3, and no more than 7, members appointed by the Minister.

Note. Schedule 3 contains provisions relating to the members and procedure of the Advisory Council.

44 Functions of Advisory Council

- (1) The Advisory Council has the following functions:
 - (a) to provide advice to the Minister on such matters as are referred to it by the Minister,
 - (b) to provide advice to the Director-General on such matters as are referred to it by the Director-General,
 - (c) such other functions as are conferred or imposed on it by or under this or any other Act.
- (2) The Advisory Council is:
 - (a) to prepare a draft work plan for approval by the Minister, and
 - (b) to carry out such transport advisory functions as are specified in any such approved work plan.
- (3) The Advisory Council may, with the approval of the Director-General or the Minister, undertake public consultation for the purpose of exercising its functions.

44A Committees of Advisory Council

- (1) The Advisory Council may establish committees to assist it in connection with the exercise of any of its functions.
- (2) It does not matter that any or all of the members of a committee are not members of the Advisory Council.
- (3) The procedure for calling meetings of a committee and for the conduct of those meetings is to be determined by the Advisory

Council or (subject to any determination by the Advisory Council) by the committee.

[19] Section 47

Omit the section. Insert instead:

47 Chief Executive of RTA

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

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

[20] Section 48 Chief Executive to manage RTA

Insert “in accordance with any directions of the Director-General under section 3D” after “that Authority” in section 48 (1).

[21] Part 6B

Insert before Part 7:

Part 6B Subsidiary corporations, joint ventures etc

55A Definition of “transport authority”

In this Part, *transport authority* means any of the following:

- (a) the Director-General,
- (b) RailCorp,
- (c) Roads and Traffic Authority,
- (d) State Transit Authority,
- (e) Sydney Ferries,
- (f) Transport Construction Authority,
- (g) Country Rail Infrastructure Authority.

55B Exercise of functions through subsidiary corporations, joint ventures etc

(1) In this section:

subsidiary corporation of a transport authority means:

- (a) a public subsidiary corporation referred to in section 55C that is constituted for the purposes of the transport authority, or
- (b) a private subsidiary corporation referred to in section 55D that is formed for the purposes of the transport authority.

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- (2) Any function of a transport authority may be exercised:
 - (a) by the transport authority itself, or
 - (b) by a subsidiary corporation of the transport authority, or
 - (c) by the transport authority or a subsidiary corporation of the transport authority, or both, in a partnership, joint venture or other association with other persons or bodies.
 - (3) This section does not extend to the function of the Director-General to give directions under section 3D.

55C Public subsidiary corporations

- (1) In this section:

public subsidiary corporation means a corporation constituted in accordance with this section for the purposes of a transport authority.
- (2) The regulations may constitute a corporation for the purposes of this section with the corporate name specified in the regulations.
- (3) A public subsidiary corporation:
 - (a) has such of the functions of the transport authority in respect of which it is constituted as are specified in the regulations or delegated to it under this Act, and
 - (b) is, for the purposes of any Act, a NSW Government agency.
- (4) The provisions of or made under this Act or any other Act relating to a transport authority apply to and in respect of a public subsidiary corporation constituted for the purposes of that authority in such manner and to such extent as are prescribed by the regulations.
- (5) With the approval of the Minister:
 - (a) a transport authority may transfer any of its assets, rights or liabilities to a public subsidiary corporation of the authority, and
 - (b) a public subsidiary corporation of a transport authority may transfer any of its assets, rights or liabilities to the transport authority or to another public subsidiary corporation of the authority.
- (6) The regulations may make provision for or with respect to the vesting of those assets, rights and liabilities in the transferee without any transfer, conveyance or assignment.

- (7) A public subsidiary corporation is dissolved by the repeal of the regulations by which it is constituted (unless continued in existence by the regulations), and on any such dissolution the assets, rights and liabilities of the corporation become the assets, rights and liabilities of the transport authority in respect of which the corporation was constituted.

55D Private subsidiary corporations etc

- (1) In this section:
- private corporation* means a corporation within the meaning of the *Corporations Act 2001* of the Commonwealth formed in or outside New South Wales.
- private subsidiary corporation* means a private corporation in which a transport authority has a controlling interest.
- (2) A transport authority may, subject to subsection (3):
- (a) form, or participate in the formation of, private corporations, and
 - (b) acquire interests in private corporations, and
 - (c) sell or otherwise dispose of interests in private corporations,
- whether or not the activities or proposed activities of any such private corporation are related to the activities of the transport authority.
- (3) A transport authority must not, without the approval of the Minister:
- (a) form, or participate in the formation of, a private subsidiary corporation, or
 - (b) acquire an interest in a private corporation so that, as a result of the acquisition, the corporation becomes a private subsidiary corporation, or
 - (c) sell or otherwise dispose of any interest in a private subsidiary corporation so that, as a result of the sale or disposal, it ceases to be a private subsidiary corporation.
- (4) A private subsidiary corporation is not a NSW Government agency.

[22] Part 7, Division 4

Insert after Division 3:

Division 4 Transfer of staff

65 Definitions

In this Division:

transferred staff member means a member of staff of a transport authority who is the subject of an order under this Division.

transport authority means any of the following:

- (a) Transport NSW,
- (b) RailCorp,
- (c) Roads and Traffic Authority,
- (d) State Transit Authority,
- (e) Sydney Ferries,
- (f) Transport Construction Authority,
- (g) Country Rail Infrastructure Authority,
- (h) a public subsidiary corporation (as referred to in Part 6B) of any of the above bodies,
- (i) Independent Transport Safety Regulator,
- (j) until their dissolution, Sydney Metro and the Public Transport Ticketing Corporation.

66 Orders providing for transfer of staff of transport authorities

- (1) The Director-General may, by order in writing, provide that any member of staff of a transport authority who is specified or described in the order is transferred to another transport authority specified in the order.
- (2) The transferred staff member is taken for all purposes as having become an employee of the other transport authority, in accordance with the terms of the order, on the day specified in the order.
- (3) The Director-General cannot make an order under this Division that relates to the Independent Transport Safety Regulator except with the approval of the Chief Executive of the Independent Transport Safety Regulator.

67 Preservation of remuneration and other conditions of employment on transfer

- (1) Except as otherwise provided by this Division or the regulations, the terms and conditions on which a transferred staff member becomes employed on being transferred by an order under this Division (including terms and conditions as to remuneration, allowances and duration of employment) are, on the transfer date, those on which the staff member was employed immediately before the transfer.
- (2) Nothing in this section prevents the terms and conditions of employment referred to in subsection (1) from being varied.

68 Preservation of leave and other entitlements for previous service

- (1) Continuous service of a transferred staff member with any transport authority is taken, for all purposes, as service with the transport authority that is the staff member's current employer.
- (2) This section applies, without limiting its operation, for the purpose of the accrual of leave with the current employer and for the purpose of any entitlements to redundancy payments from the current employer.
- (3) In particular, a transferred staff member retains, on being transferred under this Division, any rights to annual leave, long service leave and sick leave accrued in the staff member's previous employment with a transport authority.
- (4) A transferred staff member's entitlement to any such leave is to be calculated:
 - (a) for the part of any period during which that leave accrued or was accruing that occurred before the day of transfer—at the rate for the time being applicable to the staff member before that day, and
 - (b) for the part of the period that occurred after the day of transfer—at the rate for the time being applicable to the staff member after that day.

68A No payment out on transfer or dual benefits

A person who is transferred under this Division:

- (a) is not entitled to receive any payment or other benefit merely because the person ceases to be a member of staff of the transport authority from which the person is transferred, and

- (b) is not entitled to elect, because of the transfer, to be paid the money value of any extended or annual leave that the person accrued as a member of staff of the transport authority from which the person is transferred, and
- (c) is not entitled to claim, under this or any other Act, dual benefits of the same kind for the same period of service.

1.2 Public Sector Employment and Management Act 2002 No 43

[1] Schedule 1 Divisions of the Government Service

Omit the matter relating to the Department of Transport and Infrastructure from Division 1 of Part 1.

Insert instead:

Transport NSW

Director-General of Transport NSW

[2] Schedule 1, Part 3

Insert in alphabetical order:

Transport Special Services Group,
Transport NSW (limited to staff of
Transport NSW, not subject to Chapter 2
of this Act, who are designated by the
Division Head with the approval of the
Director of Public Employment)

Director-General of Transport NSW

Schedule 2 Amendments relating to Transport Construction Authority (formerly TIDC)

2.1 Transport Administration Act 1988 No 109

- [1] **Sections 3 (1) (paragraph (a) of the definition of “rail infrastructure owner”), 88A (definition of “rail authority”), 89 (definition of “rail authority”) and 116 (7) (definition of “parking offence”) and clauses 2 (3), 2A (3) and 2C (5) of Schedule 6A**

Omit “Transport Infrastructure Development Corporation” wherever occurring.

Insert instead “the Transport Construction Authority”.

- [2] **Section 3 Definitions**

Omit the definition of *Transport Infrastructure Development Corporation* (or *TIDC*) from section 3 (1).

Insert instead in alphabetical order:

Transport Construction Authority means the Transport Construction Authority constituted under this Act.

- [3] **Part 2A**

Omit the Part. Insert instead:

Part 2A Transport Construction Authority

18 Definitions

- (1) In this Part:

develop a major railway system or develop a major transport project includes:

- (a) carry out development for the purposes of a railway system or other transport project (including development of land in the vicinity of transport infrastructure for any such system or project), and
- (b) facilitate, manage, finance or maintain any such development, and
- (c) carry out any function ancillary to any such development.

development means development within the meaning of the *Environmental Planning and Assessment Act 1979*, a project within the meaning of Part 3A of that Act or an activity within the meaning of Part 5 of that Act.

railway means a guided system designed to transport passengers or freight or both (whether or not passengers, freight or both are being transported) on a railway track, together with its infrastructure and associated sidings, and includes a heavy railway, light railway, metro railway, inclined railway, monorail or tramway.

railway system includes a railway, rail infrastructure facilities, stations, platforms, maintenance facilities, depots and any other transport interchanges, works, structures and facilities associated with or incidental to the railway or rail infrastructure facilities.

- (2) In this Part, a reference to a railway system or other transport project includes a reference to part of a system or part of a project.

18A Constitution of TCA (as a continuation of TIDC)

- (1) There is constituted by this Act a corporation with the corporate name of the Transport Construction Authority.
- (2) The substitution of this section by the *Transport Administration Amendment Act 2010* operates to change the name of the corporation constituted by this section (as in force immediately before its substitution) from Transport Infrastructure Development Corporation to the Transport Construction Authority, but does not operate to create a new legal entity.
- (3) Accordingly, the Transport Construction Authority is taken for all purposes, including the rules of private international law, to be a continuation of, and the same legal entity as, the Transport Infrastructure Development Corporation.
- (4) The Transport Construction Authority is a NSW Government agency.

18B Objectives of TCA

- (1) The principal objectives of the Transport Construction Authority are:
- (a) to develop major railway systems, and
 - (b) to develop other major transport projects, in an efficient, effective and financially responsible manner.
- (2) The other objectives of the Transport Construction Authority are as follows:
- (a) to be a successful business and, to that end:
 - (i) to operate at least as efficiently as any comparable business, and

- (ii) to maximise the net worth of the State's investment in the Transport Construction Authority,
 - (b) to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates,
 - (c) where its activities affect the environment, to conduct its operations in compliance with the principles of ecologically sustainable development contained in section 6 (2) of the *Protection of the Environment Administration Act 1991*,
 - (d) to exhibit a sense of responsibility towards regional development and decentralisation in the way in which it operates.
- (3) The other objectives of the Transport Construction Authority are of equal importance, but are not as important as the principal objectives of the Authority.

18C Development of major railway systems and other major transport projects

- (1) The principal functions of the Transport Construction Authority are:
 - (a) to develop major railway systems, and
 - (b) to develop other major transport projects, including facilitating their development by other persons.
- (2) The Transport Construction Authority may not undertake the development of a major railway system or other major transport project except with the approval of the Director-General.

18D Other functions of TCA

- (1) The Transport Construction Authority has such functions as are conferred or imposed on it by or under this or any other Act or law.
- (2) The Transport Construction Authority may:
 - (a) hold, manage, maintain and establish assets associated with major railway systems or other major transport projects developed or proposed to be developed by the Transport Construction Authority, and
 - (b) acquire and develop any land, and
 - (c) conduct any business (whether or not related to its principal functions) that it considers will further its objectives, and

- (d) provide goods and services to the rail or other transport industries, and
- (e) provide facilities or services that are ancillary to or incidental to its principal functions, and
- (f) make and enter into leases or licences, or other arrangements, with persons for developing a major railway system or other major transport project, and
- (g) make and enter into contracts or arrangements for the carrying out of works or the performance of services or the supply of goods or materials, and
- (h) appoint agents, and act as agent for other persons.

18E Acquisition of land by TCA

- (1) The Transport Construction Authority may, for any purposes of the Authority, 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 subsection (1) include for the purposes of a future sale, lease or disposal, that is, to enable the Transport Construction Authority to exercise its functions in relation to land under this Act.
- (3) For the purposes of the *Public Works Act 1912*, any such acquisition of land is taken to be for an authorised work and the Transport Construction Authority is, in relation to that authorised work, taken to be the Constructing Authority within the meaning of that Act.
- (4) The Transport Construction Authority may not give a proposed acquisition notice under the *Land Acquisition (Just Terms Compensation) Act 1991* without the approval of the Director-General.
- (5) Any such acquisition is not void merely because it is expressed to be for the purposes of the Transport Construction Authority or for the purposes of this Act.
- (6) Part 3 of the *Public Works Act 1912* does not apply in respect of works constructed for the purposes of this section.

18F Sale, lease or other disposal of land

- (1) The Transport Construction Authority may, with the approval of the Minister, sell, lease or otherwise dispose of any of its land.

- (2) Despite subsection (1), the approval of the Minister is not required:
 - (a) for any lease for a term not exceeding 5 years, or
 - (b) for a sale, lease or other disposal of land not exceeding such value, or in such circumstances, as the Minister may determine from time to time.

18G Chief Executive of TCA

- (1) The Director-General may, with the approval of the Minister, appoint a Chief Executive of the Transport Construction Authority.

Note. Schedule 2 contains ancillary provisions relating to the Chief Executive of the TCA.
- (2) The affairs of the Transport Construction Authority are to be managed and controlled by the Chief Executive of the Authority in accordance with any directions of the Director-General under section 3D.
- (3) Any act, matter or thing done in the name of, or on behalf of, the Transport Construction Authority by the Chief Executive is taken to have been done by the Transport Construction Authority.

18H TCA to supply information to Minister

The Transport Construction Authority must:

- (a) supply the Minister or a person nominated by the Minister with any information relating to its activities that the Minister or person may require, and
- (b) keep the Minister informed of the general conduct of its activities, and of any significant development in its activities.

18I Delegation of functions of TCA

- (1) The Transport Construction Authority may delegate to an authorised person any of its functions, other than this power of delegation.
- (2) A delegate may subdelegate to an authorised person any function delegated by the Transport Construction Authority if the delegate is authorised in writing to do so by the Authority.

- (3) In this section, *authorised person* means:
- (a) a member of staff of the Transport Construction Authority, or
 - (b) a person of a class prescribed by the regulations or approved by the Director-General.

[4] Section 42A Definitions

Insert after paragraph (d) of the definition of *transport authority*:

- (d1) the Transport Construction Authority, or

[5] Part 7, Division 2A

Insert after Division 2:

Division 2A Staff of Transport Construction Authority

61A Employment of staff

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

61B Salary, conditions etc of staff

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

61C Regulations relating to TCA staff

- (1) The regulations may make provision for or with respect to the employment of the staff of the Transport Construction Authority, including the conditions of employment and the discipline of any such staff.
- (2) Any such regulations relating to the conditions of employment or the discipline of staff:
 - (a) have effect subject to any relevant award made by a competent industrial tribunal and to any industrial agreement to which the Transport Construction Authority is a party, and
 - (b) have effect despite any determination of the Transport Construction Authority under section 61B, and
 - (c) have effect subject to Part 3.1 of the *Public Sector Employment and Management Act 2002*.

- (3) Chapter 1A of the *Public Sector Employment and Management Act 2002* does not apply to the employment of staff under this Division.

[6] Part 8, Division 1A

Insert after Division 1:

Division 1A Financial provisions relating to Transport Construction Authority

72A TCA Fund

There is established in the Special Deposits Account a fund called the Transport Construction Authority Fund (the *TCA Fund*).

72B Payments into TCA Fund

There is to be paid into the TCA Fund:

- (a) all money received by or on account of the Transport Construction Authority, and
- (b) all money advanced to the Transport Construction Authority by the Treasurer, and
- (c) all money:
 - (i) appropriated by Parliament for the purposes of Transport NSW and allocated to the Transport Construction Authority by the Director-General, or
 - (ii) otherwise appropriated by Parliament for the purposes of the Transport Construction Authority, and
- (d) all other money required by or under this or any other Act to be paid into the TCA Fund.

72C Payments from TCA Fund

There is to be paid from the TCA Fund:

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

[7] Section 107 Definition of “transport authority”

Insert after section 107 (1) (c1):

(c2) the Transport Construction Authority, or

[8] Section 107 (2)

Omit the subsection.

[9] Section 112 Personal liability of certain persons

Insert “the Transport Construction Authority,” after “RailCorp,” in the definition of *member of a transport authority* in section 112 (2).

[10] Section 122 (definition of “rail authority”) and clause 1 (1) (definition of “rail authority”) of Schedule 6B

Omit “TIDC” wherever occurring.

Insert instead “the Transport Construction Authority”.

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

Omit paragraph (a) of the definition of *owner* in clause 1. Insert instead:

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

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

Omit “, Transport Infrastructure Development Corporation” from paragraph (a).

Insert instead “or the Transport Construction Authority”.

2.2 First State Superannuation Act 1992 No 100

Schedule 1 Employers

Omit “Transport Infrastructure Development Corporation”.

Insert instead “Transport Construction Authority”.

2.3 Public Finance and Audit Act 1983 No 152

Schedule 2 Statutory bodies

Insert in alphabetical order:

Transport Construction Authority

2.4 State Authorities Non-contributory Superannuation Act 1987 No 212

Schedule 1 Employers

Omit “Transport Infrastructure Development Corporation” from Part 1.

Insert instead “Transport Construction Authority”.

2.5 State Authorities Superannuation Act 1987 No 211

Schedule 1 Employers

Omit “Transport Infrastructure Development Corporation” from Part 1.

Insert instead “Transport Construction Authority”.

2.6 State Owned Corporations Act 1989 No 134

Schedule 5 Statutory SOCs

Omit “Transport Infrastructure Development Corporation”.

2.7 Superannuation Act 1916 No 28

Schedule 3 List of employers

Omit “Transport Infrastructure Development Corporation” from Part 1.

Insert instead “Transport Construction Authority”.

Schedule 3 Amendments relating to Country Rail Infrastructure Authority (formerly RIC)

3.1 Transport Administration Act 1988 No 109

[1] The whole Act, except clause 2B of Schedule 6A, Schedule 7 and where otherwise amended by this Act

Omit “RIC” and “Rail Infrastructure Corporation” wherever occurring.

Insert instead “the Country Rail Infrastructure Authority”.

[2] Section 3 Definitions

Omit the definition of *Rail Infrastructure Corporation* (or *RIC*) from section 3 (1).

Insert instead in alphabetical order:

Country Rail Infrastructure Authority (or *CRIA*) means the Country Rail Infrastructure Authority constituted by this Act.

[3] Part 2B

Omit the Part. Insert instead:

Part 2B Country Rail Infrastructure Authority

19A Constitution of Country Rail Infrastructure Authority (as a continuation of RIC)

- (1) There is constituted by this Act a corporation with the corporate name of the Country Rail Infrastructure Authority.
- (2) The substitution of this Part by the *Transport Administration Amendment Act 2010* operates to change the name of the corporation constituted under this Part (as in force immediately before its substitution) from Rail Infrastructure Corporation to the Country Rail Infrastructure Authority, but does not operate to create a new legal entity.
- (3) Accordingly, the Country Rail Infrastructure Authority is taken for all purposes, including the rules of private international law, to be a continuation of, and the same legal entity as, Rail Infrastructure Corporation.
- (4) The Country Rail Infrastructure Authority is a NSW Government agency.

19B Objectives of CRIA

- (1) The principal objective of the Country Rail Infrastructure Authority is to ensure that the part of the NSW rail network vested in or owned by the Country Rail Infrastructure Authority enables safe and reliable passenger and freight services to be provided in an efficient, effective and financially responsible manner.
- (2) The other objectives of the Country Rail Infrastructure Authority are:
 - (a) to promote and facilitate access to the part of the NSW rail network vested in or owned by the Country Rail Infrastructure Authority in accordance with the current NSW rail access undertaking, and
 - (b) to be a successful business and, to that end:
 - (i) to operate at least as efficiently as any comparable businesses, and
 - (ii) to maximise the net worth of the State's investment in the Country Rail Infrastructure Authority, and
 - (c) to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates, and
 - (d) where its activities affect the environment, to conduct its operations in compliance with the principles of ecologically sustainable development contained in section 6 (2) of the *Protection of the Environment Administration Act 1991*, and
 - (e) to exhibit a sense of responsibility towards regional development and decentralisation in the way in which it operates, and
 - (f) to maintain reasonable priority and certainty of access for railway passenger services.
- (3) The other objectives of the Country Rail Infrastructure Authority are of equal importance, but are not as important as the principal objective of the Authority.
- (4) Subsection (2) (a) does not apply to any part of the NSW rail network subject to an ARTC lease or licence.

19C Functions of CRIA

- (1) The Country Rail Infrastructure Authority has such functions as are conferred or imposed on it by or under this or any other Act or law.

- (2) The principal functions of the Country Rail Infrastructure Authority are:
 - (a) to hold, manage, maintain and establish rail infrastructure facilities on behalf of the State, and
 - (b) to provide persons with access under the current NSW rail access undertaking to the part of the NSW rail network vested in or owned by the Country Rail Infrastructure Authority and that is not subject to an ARTC lease or licence.
- (3) The Country Rail Infrastructure Authority may also:
 - (a) provide facilities or services that are ancillary or incidental to its principal functions, and
 - (b) supply goods and services to the rail industry, and
 - (c) conduct any business (whether or not related to its principal functions) that it considers will further its objectives, and
 - (d) acquire and develop any land, and
Note. See clause 13 of Schedule 6A which provides for the acquisition of land by CRIA.
 - (e) make and enter into contracts or arrangements for the carrying out of works or the performance of services or the supply of goods or materials, and
 - (f) appoint agents, and act as agent for other persons.
- (4) The Country Rail Infrastructure Authority is not to conduct any business outside the State that is not related to the NSW rail network without the approval of the Premier, Minister and Treasurer.
- (5) Each annual report of the Country Rail Infrastructure Authority prepared under the *Annual Reports (Statutory Bodies) Act 1984* must include a section that:
 - (a) identifies the trends in access for passenger and freight services on the part of the NSW rail network vested in or owned by the Country Rail Infrastructure Authority, and
 - (b) having regard to those trends, identifies any parts of the part of the NSW rail network vested in or owned by the Country Rail Infrastructure Authority where there is or is likely to be insufficient capacity for passenger or freight services, and

- (c) sets out what the Country Rail Infrastructure Authority proposes should be done to ensure sufficient capacity for those services.

19D Sale, lease or other disposal of land

- (1) The Country Rail Infrastructure Authority may, with the approval of the Minister, sell, lease or otherwise dispose of any of its land.
- (2) Despite subsection (1), the approval of the Minister is not required:
 - (a) for any lease for a term not exceeding 5 years, or
 - (b) for a sale, lease or other disposal of land not exceeding such value, or in such circumstances, as the Minister may determine from time to time.

19E Chief Executive of CRIA

- (1) The Director-General may, with the approval of the Minister, appoint a Chief Executive of the Country Rail Infrastructure Authority.

Note. Schedule 2 contains ancillary provisions relating to the Chief Executive of CRIA.
- (2) The affairs of the Country Rail Infrastructure Authority are to be managed and controlled by the Chief Executive of the Authority in accordance with any directions of the Director-General under section 3D.
- (3) Any act, matter or thing done in the name of, or on behalf of, the Country Rail Infrastructure Authority by the Chief Executive is taken to have been done by the Authority.

19F CRIA to supply information to Minister

The Country Rail Infrastructure Authority must:

- (a) supply the Minister or a person nominated by the Minister with any information relating to its activities that the Minister or person may require, and
- (b) keep the Minister informed of the general conduct of its activities, and of any significant development in its activities.

19G Delegation of functions of CRIA

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

[4] Section 42A Definitions

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

- (d) the Country Rail Infrastructure Authority, or

[5] Part 7, Division 3A

Insert as Division 3A:

Division 3A Staff of Country Rail Infrastructure Authority

64A Employment of staff

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

64B Salary, conditions etc of staff

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

64C Regulations relating to CRIA staff

- (1) The regulations may make provision for or with respect to the employment of the staff of the Country Rail Infrastructure Authority, including the conditions of employment and the discipline of any such staff.
- (2) Any such regulations relating to the conditions of employment or the discipline of staff:
 - (a) have effect subject to any relevant award made by a competent industrial tribunal and to any industrial

agreement to which the Country Rail Infrastructure Authority is a party, and

- (b) have effect despite any determination of the Country Rail Infrastructure Authority under section 64B, and
 - (c) have effect subject to Part 3.1 of the *Public Sector Employment and Management Act 2002*.
- (3) Chapter 1A of the *Public Sector Employment and Management Act 2002* does not apply to the employment of staff under this Division.

[6] Part 8, Division 3B

Insert after Division 3A:

Division 3B Financial provisions relating to Country Rail Infrastructure Authority

80G CRIA Fund

There is established in the Special Deposits Account a fund called the Country Rail Infrastructure Authority Fund (the *CRIA Fund*).

80H Payments into CRIA Fund

There is to be paid into the CRIA Fund:

- (a) all money received by or on account of the Country Rail Infrastructure Authority, and
- (b) all money advanced to the Country Rail Infrastructure Authority by the Treasurer, and
- (c) all money:
 - (i) appropriated by Parliament for the purposes of Transport NSW and allocated to the Country Rail Infrastructure Authority by the Director-General, or
 - (ii) otherwise appropriated by Parliament for the purposes of the Country Rail Infrastructure Authority, and
- (d) all other money required by or under this or any other Act to be paid into the CRIA Fund.

80I Payments from CRIA Fund

There is to be paid from the CRIA Fund:

- (a) all payments made on account of the Country Rail Infrastructure Authority or otherwise required to meet

expenditure incurred in relation to the functions of the Authority, and

- (b) all other payments required by or under this or any other Act to be paid from the CRIA Fund.

[7] Section 107 Definition of “transport authority”

Insert before section 107 (1) (d):

- (c3) the Country Rail Infrastructure Authority, or

[8] Section 112 Personal liability of certain persons

Insert “the Country Rail Infrastructure Authority,” after “Regulator,” in the definition of *member of a transport authority* in section 112 (2).

[9] Schedule 6A Powers relating to railway infrastructure facilities and land

Omit “RIC” where firstly occurring in clause 2 (2).

Insert instead “The Country Rail Infrastructure Authority”.

[10] Schedule 6A, clause 2D (1)

Omit “, the current NSW rail access undertaking and the *State Owned Corporations Act 1989*”.

Insert instead “and the current NSW rail access undertaking”.

[11] Schedule 6A, clause 13 (1) and (4)

Omit “RIC” wherever occurring.

Insert instead “The Country Rail Infrastructure Authority”.

[12] Schedule 6A, clauses 13 (4) and 13A (4)

Omit “portfolio Minister” wherever occurring.

Insert instead “Director-General”.

3.2 Electricity (Consumer Safety) Act 2004 No 4

Section 3 Definitions

Omit “Rail Infrastructure Corporation” from paragraph (b) of the definition of *electricity supply authority* in section 3 (1).

Insert instead “Country Rail Infrastructure Authority”.

3.3 First State Superannuation Act 1992 No 100

Schedule 1 Employers

Omit “Rail Infrastructure Corporation” where firstly occurring.

Insert instead “Country Rail Infrastructure Authority”.

3.4 Public Finance and Audit Act 1983 No 152

Schedule 2 Statutory bodies

Insert in alphabetical order:

Country Rail Infrastructure Authority

3.5 State Authorities Non-contributory Superannuation Act 1987 No 212

Schedule 1 Employers

Omit “Rail Infrastructure Corporation” where firstly occurring in Part 1.

Insert instead “Country Rail Infrastructure Authority”.

3.6 State Authorities Superannuation Act 1987 No 211

Schedule 1 Employers

Omit “Rail Infrastructure Corporation” where firstly occurring in Part 1.

Insert instead “Country Rail Infrastructure Authority”.

3.7 State Owned Corporations Act 1989 No 134

Schedule 5 Statutory SOCs

Omit “Rail Infrastructure Corporation”.

3.8 Superannuation Act 1916 No 28

Schedule 3 List of employers

Omit “Rail Infrastructure Corporation” where firstly occurring in Part 1.

Insert instead “Country Rail Infrastructure Authority”.

3.9 Transport Administration Amendment (Rail Agencies) Act 2003 No 96

The Act is repealed.

Schedule 4 Amendments relating to Sydney Metro

4.1 Transport Administration Act 1988 No 109

[1] Section 3 Definitions

Omit the definitions of *metro railway* and *metro railway system* from section 3 (1).

[2] Section 3 (1), definition of “NSW rail network”

Omit “, but does not include any part of a metro railway system”.

[3] Section 3 (1), definition of “rail infrastructure owner”

Omit paragraph (b1).

[4] Part 6A Sydney Metro

Omit the Part.

[5] Part 8, Division 2A Financial provisions relating to Sydney Metro

Omit the Division.

[6] Section 89 Definitions

Omit “, Sydney Metro” from the definition of *State rail operator*.

[7] Section 99A Closure and disposal of railway lines

Omit section 99A (4).

[8] Section 112 Personal liability of certain persons

Omit “, the Roads and Traffic Authority and Sydney Metro” from the definition of *member of a transport authority* in section 112 (2).

Insert instead “and the Roads and Traffic Authority”.

[9] Section 116 Liability of vehicle owner for parking offences on Authority’s land

Omit “, Sydney Metro” from the definition of *parking offence* in section 116 (7).

[10] Schedule 2B Constitution and procedure and CEO of Sydney Metro

Omit the Schedule.

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

Omit paragraph (a1) from the definition of *owner* in clause 1.

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

Omit “and Sydney Metro” from paragraph (a).

[13] Schedule 6A, clause 2CA

Omit the clause.

[14] Schedule 6B Special provisions for underground rail facilities

Omit “, Sydney Metro” from the definition of *rail authority* in clause 1 (1).

[15] Schedule 8A

Insert after Schedule 8:

Schedule 8A Sydney Metro

1 Definitions

In this Schedule:

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

liabilities means any liabilities, debts or obligations (whether present or future and whether vested or contingent and whether personal or assignable).

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

2 Continuation of Sydney Metro

- (1) The corporation constituted under section 55B immediately before the commencement of this Schedule is continued by this clause with the corporate name of Sydney Metro.
- (2) The corporation continued by this clause is for all purposes (including the rules of private international law) the same legal entity as Sydney Metro constituted under section 55B immediately before the commencement of this Schedule.
- (3) Sydney Metro:
 - (a) has the functions conferred or imposed on it by or under this or any other Act, and
 - (b) is a NSW Government agency.

3 Objectives and functions of Sydney Metro

- (1) The objectives of Sydney Metro are as follows:
 - (a) to manage its assets, rights and liabilities effectively and responsibly,
 - (b) to minimise the risk exposure of the State arising from its activities,
 - (c) to achieve the efficient and timely winding up of residual business activities.
- (2) Sydney Metro has the following functions:
 - (a) such functions as may be necessary or convenient to enable it to exercise its rights and discharge its obligations under or in connection with its assets, rights and liabilities (including the sale, lease or disposal of any of its property),
 - (b) any other functions conferred or imposed on it by or under this or any other Act.
- (3) Sydney Metro may do any thing that is supplemental or incidental to the exercise of its functions.

4 Director-General to manage and control affairs of Sydney Metro

- (1) The affairs of Sydney Metro are to be managed and controlled by the Director-General.
- (2) Any act, matter or thing done in the name of, or on behalf of, Sydney Metro by the Director-General is taken to have been done by Sydney Metro.
- (3) The seal of Sydney Metro is to be kept by the Director-General and affixed to a document only:
 - (a) in the presence of the Director-General or a member of staff of Transport NSW authorised by the Director-General, and
 - (b) with an attestation by the signature of the Director-General or that member of staff of the fact of the affixing of the seal.
- (4) Until its dissolution, Sydney Metro is taken to be a public transport agency for the purposes of section 3C (General functions of Director-General).

5 Delegation of functions of Sydney Metro

- (1) Sydney Metro may delegate to an authorised person any of the functions of Sydney Metro, other than this power of delegation.
- (2) A delegate may subdelegate to an authorised person any function delegated by Sydney Metro if the delegate is authorised in writing to do so by Sydney Metro.
- (3) In this clause, *authorised person* means:
 - (a) a member of staff of Transport NSW, or
 - (b) a person of a class prescribed by the regulations or approved by the Director-General.

6 Sydney Metro Fund

- (1) There is to continue in the Special Deposits Account a Sydney Metro Fund.
- (2) The following is to be paid into the Sydney Metro Fund:
 - (a) all money received by or on account of Sydney Metro,
 - (b) all money advanced to Sydney Metro by the Treasurer or appropriated by Parliament for the purposes of Sydney Metro,
 - (c) all other money required by or under this or any other Act to be paid into the Sydney Metro Fund.
- (3) The following is to be paid from the Sydney Metro Fund:
 - (a) all payments made on account of Sydney Metro or otherwise required to meet expenditure incurred in relation to the functions of Sydney Metro,
 - (b) such amounts as the Treasurer considers are required to reimburse the Treasury for refunding surplus Commonwealth grants relating to metro projects,
 - (c) such amounts as the Treasurer considers to be surplus to the requirements of the Sydney Metro Fund pending the dissolution of Sydney Metro,
 - (d) all other payments required by or under this or any other Act to be paid from the Sydney Metro Fund.

7 Annual report

A report under the *Annual Reports (Departments) Act 1985* in respect of Transport NSW may include any annual report required to be made in respect of Sydney Metro under the *Annual Reports (Statutory Bodies) Act 1984*.

8 Dissolution of Sydney Metro

- (1) The Governor may, by proclamation published on the NSW legislation website, appoint a day on which Sydney Metro is to be dissolved.
- (2) On that day, Sydney Metro and each Sydney Metro subsidiary corporation are dissolved and any assets, rights and liabilities of Sydney Metro or the subsidiary corporation become assets, rights and liabilities of the Crown.
- (3) Schedule 4 applies to the transfer of the assets, rights and liabilities of Sydney Metro and each Sydney Metro subsidiary corporation 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) Regulations of a savings and transitional nature may be made consequent on the dissolution of Sydney Metro and each Sydney Metro subsidiary corporation.

4.2 Electricity Supply Act 1995 No 94

[1] Section 191 Regulations

Omit “, Sydney Metro” from section 191 (2A).

[2] Dictionary

Omit “or Sydney Metro” from the definition of *rail network electricity system*.

4.3 Pipelines Act 1967 No 90

Section 3 Definitions

Omit “, Sydney Metro” from paragraph (a) of the definition of *public authority* in section 3 (1).

4.4 Public Sector Employment and Management Act 2002 No 43

[1] Schedule 1 Divisions of the Government Service

Omit the matter relating to the Sydney Metro Division from Part 2.

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

Omit “Chief Executive Officer of Sydney Metro” from Part 2.

4.5 Roads Act 1993 No 33

Section 94 Roads authority may carry out drainage work across land adjoining public road etc

Omit “, Sydney Metro” from section 94 (2).

Schedule 5 Amendments relating to Public Transport Ticketing Corporation

5.1 Transport Administration Act 1988 No 109

[1] Part 3B Public Transport Ticketing Corporation

Omit the Part.

[2] Schedule 4 Transfer of assets, rights and liabilities

Omit clause 2 (1) (c).

[3] Schedule 9

Insert as Schedule 9:

Schedule 9 Public Transport Ticketing Corporation

1 Definitions

In this Schedule:

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

liabilities means any liabilities, debts or obligations (whether present or future and whether vested or contingent and whether personal or assignable).

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

2 Continuation of Public Transport Ticketing Corporation

- (1) The corporation constituted under section 35R immediately before the commencement of this Schedule is continued by this clause with the corporate name of the Public Transport Ticketing Corporation.
- (2) The corporation continued by this clause is for all purposes (including the rules of private international law) the same legal entity as the Public Transport Ticketing Corporation constituted under section 35R immediately before the commencement of this Schedule.

- (3) The Public Transport Ticketing Corporation:
 - (a) has the functions conferred or imposed on it by or under this or any other Act, and
 - (b) is a NSW Government agency.

3 Objectives and functions of PTTC

- (1) The objectives of the Public Transport Ticketing Corporation are as follows:
 - (a) to manage its assets, rights and liabilities effectively and responsibly,
 - (b) to minimise the risk exposure of the State arising from its activities,
 - (c) to achieve the efficient and timely winding up of residual business activities.
- (2) The Public Transport Ticketing Corporation has the following functions:
 - (a) such functions as may be necessary or convenient to enable it to exercise its rights and discharge its obligations under or in connection with its assets, rights and liabilities (including the sale, lease or disposal of any of its property),
 - (b) any other functions conferred or imposed on it by or under this or any other Act.
- (3) The Public Transport Ticketing Corporation may do any thing that is supplemental or incidental to the exercise of its functions.

4 Director-General to manage and control affairs of PTTC

- (1) The affairs of the Public Transport Ticketing Corporation are to be managed and controlled by the Director-General.
- (2) Any act, matter or thing done in the name of, or on behalf of, the Public Transport Ticketing Corporation by the Director-General is taken to have been done by the Public Transport Ticketing Corporation.
- (3) The seal of the Public Transport Ticketing Corporation is to be kept by the Director-General and affixed to a document only:
 - (a) in the presence of the Director-General or a member of staff of Transport NSW authorised by the Director-General, and
 - (b) with an attestation by the signature of the Director-General or that member of staff of the fact of the affixing of the seal.

-
- (4) Until its dissolution, the Public Transport Ticketing Corporation is taken to be a public transport agency for the purposes of section 3C (General functions of Director-General).

5 Delegation of functions of PTTC

- (1) The Public Transport Ticketing Corporation may delegate to an authorised person any of the functions of the Corporation, other than this power of delegation.
- (2) A delegate may subdelegate to an authorised person any function delegated by the Public Transport Ticketing Corporation if the delegate is authorised in writing to do so by the Corporation.
- (3) In this clause, *authorised person* means:
- (a) a member of staff of Transport NSW, or
 - (b) a person of a class prescribed by the regulations or approved by the Director-General.

6 PTTC Fund

- (1) There is to continue in the Special Deposits Account a Public Transport Ticketing Corporation Fund.
- (2) The following is to be paid into the Public Transport Ticketing Corporation Fund:
- (a) all money received by or on account of the Public Transport Ticketing Corporation,
 - (b) all money advanced to the Public Transport Ticketing Corporation by the Treasurer or appropriated by Parliament for the purposes of the Corporation,
 - (c) all other money required by or under this or any other Act to be paid into the Fund.
- (3) The following is to be paid from the Public Transport Ticketing Corporation Fund:
- (a) all payments made on account of the Public Transport Ticketing Corporation or otherwise required to meet expenditure incurred in relation to the functions of the Corporation,
 - (b) such amounts as the Treasurer considers to be surplus to the requirements of the Fund pending the dissolution of the Public Transport Ticketing Corporation,
 - (c) all other payments required by or under this or any other Act to be paid from the Fund.

7 Annual report

A report under the *Annual Reports (Departments) Act 1985* in respect of Transport NSW may include any annual report required to be made in respect of the Public Transport Ticketing Corporation under the *Annual Reports (Statutory Bodies) Act 1984*.

8 Dissolution of PTTC

- (1) The Governor may, by proclamation published on the NSW legislation website, appoint a day on which the Public Transport Ticketing Corporation is to be dissolved.
- (2) On that day, the Public Transport Ticketing Corporation is dissolved and any assets, rights and liabilities of the Corporation become assets, rights and liabilities of the Crown.
- (3) Schedule 4 applies to the transfer of the assets, rights and liabilities of the Public Transport Ticketing Corporation 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) Regulations of a savings and transitional nature may be made consequent on the dissolution of the Public Transport Ticketing Corporation.

[4] Schedules 10 and 11

Omit the Schedules.

5.2 Public Sector Employment and Management Act 2002 No 43

Schedule 1 Divisions of the Government Service

Omit the matter relating to the Public Transport Ticketing Corporation Division from Part 2.

Schedule 6 Amendments relating to Independent Transport Safety and Reliability Regulator

6.1 Transport Administration Act 1988 No 109

[1] The whole Act, except Schedule 7 and where otherwise amended by this Act

Omit “ITSRR” and “ITSRR’s” wherever occurring.

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

[2] Section 3 Definitions

Omit the definitions of *Independent Transport Safety and Reliability Advisory Board* and *Independent Transport Safety and Reliability Regulator* from section 3 (1).

Insert instead in alphabetical order:

Independent Transport Safety Advisory Board means the Independent Transport Safety Advisory Board established under this Act.

Independent Transport Safety Regulator means the Independent Transport Safety Regulator constituted under this Act.

[3] Part 4A (headings to the Part and Divisions 2–4 and 6), sections 42A (definition of “Board”), 42B (1), 42T (1), 103, 107 (1) (a1), 111 (5) and 112 (2) (definition of “member of a transport authority”), Schedule 2A (Schedule heading and clause 1) and clause 16 (4) of Schedule 6A

Omit “and Reliability” wherever occurring.

[4] Section 42A Definitions

Omit the definitions of *funded transport service* and *reliability*.

[5] Section 42A

Omit the definition of *ITSRR*. Insert instead:

ITSR means the Independent Transport Safety Regulator.

[6] Section 42C Objectives of ITSR

Omit “and reliability as fundamental objectives” from section 42C (2) (b).

Insert instead “as a fundamental objective”.

[7] Section 42D General functions of ITSr

Omit section 42D (2) (c) and (e).

[8] Section 42D (2) (h)

Omit “or the reliability of funded transport services,”.

[9] Section 42E ITSr may advise on and monitor safety

Omit section 42E (1). Insert instead:

- (1) The ITSr is to advise the Minister with respect to the performance of transport authorities in connection with the exercise of their functions relating to the safe operation of transport services.

[10] Section 42E (3)

Omit the subsection.

[11] Section 42F Auditing of transport authorities and owners and operators of transport services

Insert “, for the purposes of exercising its functions under this Part,” after “may” in section 42F (1).

[12] Section 42G Reports to Minister on performance

Omit “and reliability” from section 42G (1).

[13] Section 42I Power of ITSr to give directions relating to safe operation of transport services

Insert after section 42I (1):

- (1A) Any such direction to the Director-General may be given only in relation to a function of a kind that was exercisable by the Director-General before the commencement of this subsection.

[14] Section 42I (2)

Omit “functions of the Ministry of Transport relating solely to the Ministry”.

Insert instead “functions of Transport NSW relating solely to Transport NSW”.

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

Omit “or reliability” from section 42P (2) (d).

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

Insert after section 42P (2) (f):

- (g) the exercise of a function as a relevant safety regulator under section 3E.

[17] Section 42U General functions of Board

Omit “or the reliability of funded transport services” from section 42U (3).

6.2 Passenger Transport Act 1990 No 39

Section 6B

Insert at the end of Part 1:

6B Arrangements with ITSR for exercise of Director-General's safety functions

- (1) The Director-General and the Independent Transport Safety Regulator (*ITSR*) may enter into an arrangement for the ITSR to assist the Director-General in connection with the exercise of any of the Director-General's transport safety functions under this Act.
- (2) For the purposes of any such arrangement, the Director-General may delegate any of his or her functions under this Act to the ITSR and the ITSR may subdelegate to any member of staff of the ITSR any function delegated to the ITSR.
- (3) Any such arrangement may make provision for the re-imbusement of the ITSR by the Director-General for the costs incurred in connection with the provision of assistance under the arrangement.
- (4) In this section, *transport safety functions* include:
 - (a) functions relating to the assessment of the capacity of an accredited service operator (or of a prospective such operator) to meet the government's standards of safety of passengers and the public, and
 - (b) functions relating to the safety management systems of accredited service operators, and
 - (c) functions relating to the drug and alcohol programs for employees of accredited service operators, and
 - (d) functions relating to any other conditions of accreditation of an accredited service operator that affect the safety of passengers and the public.

6.3 Public Finance and Audit Act 1983 No 152

Schedule 2 Statutory bodies

Omit “Independent Transport Safety and Reliability Regulator”.

Insert instead “Independent Transport Safety Regulator”.

6.4 Public Sector Employment and Management Act 2002 No 43

[1] Schedule 1 Divisions of the Government Service

Omit the matter relating to the Independent Transport Safety and Reliability Regulator Division from Part 2.

Insert instead:

Independent Transport Safety Regulator Division	Chief Executive of the Independent Transport Safety Regulator
--	--

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

Omit “and Reliability” from Part 2.

Schedule 7 Consequential and other amendments

7.1 Transport Administration Act 1988 No 109

[1] Long title

Omit the long title. Insert instead:

An Act relating to the administration of transport; and for other purposes.

[2] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

Advisory Council means the Transport Advisory Council established under Part 5.

[3] Section 3 (1), definitions of “Authority” and “officer”

Omit the definitions.

[4] Section 3 (1), definitions of “Ministerial Holding Corporation” and “Transport Administration Corporation”

Omit the definitions.

[5] Section 3 (1), definitions of “Roads and Traffic Advisory Council” and “Transport Advisory Group”

Omit the definitions.

[6] Section 3 (4)

Omit the subsection.

[7] Section 3A Metropolitan rail area

Omit “the Ministry of Transport” from section 3A (1).

Insert instead “Transport NSW”.

[8] Section 3A (6)

Omit the subsection.

[9] Section 10 Other functions of RailCorp

Omit section 10 (3).

[10] Section 11 Acquisition of land by RailCorp

Omit “portfolio Minister” from section 11 (4).

Insert instead “Director-General”.

- [11] **Sections 11A (3), 35EA (3) and 100 (3)**
Omit the subsections.
- [12] **Sections 16 (2) and 35K (2)**
Omit “Officer” wherever occurring.
- [13] **Sections 17, 29, 35L and 49 (Ministerial control)**
Omit the sections.
- [14] **Sections 17C–17E, 32–34, 35O–35Q, 51 and 52 (Subsidiary corporations etc)**
Omit the sections.
- [15] **Section 31 Corporate plans**
Omit “(including the requirements of any direction by the Minister under section 29)” from section 31 (5).
- [16] **Section 31 (6)**
Omit the subsection.
- [17] **Section 35F Acquisition of land by Sydney Ferries**
Omit “portfolio Minister” from section 35F (4).
Insert instead “Director-General”.
- [18] **Part 4 Director-General of the Ministry of Transport**
Omit the Part.
- [19] **Section 42A Definitions**
Omit paragraph (f) of the definition of *transport authority*.
- [20] **Section 42J Duties of authorities and owners and operators to co-operate with ITSr**
Omit “board and chief executive officer”.
Insert instead “chief executive”.
- [21] **Part 6, Division 2 Roads and Traffic Advisory Council**
Omit the Division.
- [22] **Part 7, heading**
Omit “certain”.

[23] Part 7, Division 1, heading

Omit “an Authority, Sydney Metro or ITSRR”.

Insert instead “**certain authorities**”.

[24] Section 56

Omit the section. Insert instead:

56 Application of Division

This Division applies to and in respect of such staff as are employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in a Division of the Government Service (other than a Department within the meaning of that Act) to enable any of the following bodies to exercise its functions:

- (a) Roads and Traffic Authority,
- (b) State Transit Authority,
- (c) Independent Transport Safety Regulator,
- (d) until their dissolution, Sydney Metro and the Public Transport Ticketing Corporation.

[25] Sections 58 and 95

Omit the sections.

[26] Section 70 Payments into RailCorp Fund

Omit section 70 (b) and (c). Insert instead:

- (b) all money advanced to RailCorp by the Treasurer, and
- (c) all money:
 - (i) appropriated by Parliament for the purposes of Transport NSW and allocated to RailCorp by the Director-General, or
 - (ii) otherwise appropriated by Parliament for the purposes of RailCorp, and

[27] Section 74 Payments into State Transit Authority Fund

Omit section 74 (b). Insert instead:

- (b) all money advanced to the State Transit Authority by the Treasurer, and
- (b1) all money:
 - (i) appropriated by Parliament for the purposes of Transport NSW and allocated to the State Transit Authority by the Director-General, or
 - (ii) otherwise appropriated by Parliament for the purposes of the State Transit Authority, and

[28] Section 78 Payments into Roads and Traffic Authority Fund

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

- (a) all money:
 - (i) advanced to the Roads and Traffic Authority by the Treasurer, or
 - (ii) appropriated by Parliament for the purposes of Transport NSW and allocated to the Roads and Traffic Authority by the Director-General, or
 - (iii) otherwise appropriated by Parliament for the purposes of the Roads and Traffic Authority, but excluding money advanced or appropriated for such non-capital expenditure as may be prescribed by the regulations, and

[29] Section 80E Payments into Sydney Ferries Fund

Omit section 80E (b) and (c). Insert instead:

- (b) all money advanced to Sydney Ferries by the Treasurer, and
- (c) all money:
 - (i) appropriated by Parliament for the purposes of Transport NSW and allocated to Sydney Ferries by the Director-General, or
 - (ii) otherwise appropriated by Parliament for the purposes of Sydney Ferries, and

[30] Section 81A

Insert before section 81:

81A Definition

In this Division:

Authority means any of the following:

- (a) RailCorp,
- (b) Roads and Traffic Authority,
- (c) State Transit Authority,
- (d) Sydney Ferries,
- (e) Transport Construction Authority,
- (f) Country Rail Infrastructure Authority,
- (g) until its dissolution, the Public Transport Ticketing Corporation.

[31] Section 88 Free or subsidised railway, bus or ferry travel

Omit “section 39” from section 88 (5). Insert instead “section 104EA”.

[32] Sections 93 (6) (definition of “authorised officer”) and 96 and clauses 6 (1) (b) and 7 (3) of Schedule 6A

Omit “chief executive officer” wherever occurring.

Insert instead “chief executive”.

[33] Section 94 Transfers of assets, rights and liabilities

Omit “the Transport Administration Corporation,” from the definition of *rail authority* in section 94 (6).

[34] Section 96 Person may be chief executive of more than one authority

Omit “a member of the board of one or more rail authorities or”.

[35] Part 9, Division 1C Delegation by Minister

Omit the Division.

[36] Section 101 Acquisition of land

Insert after section 101 (3):

- (3A) The State Transit Authority may not give a proposed acquisition notice under the *Land Acquisition (Just Terms Compensation) Act 1991* without the approval of the Director-General.

[37] Sections 104A–104C

Omit the sections.

[38] Section 104D Transport Administration Corporation

Omit the section.

[39] Section 104EA

Insert after section 104E:

104EA Government subsidised travel schemes

- (1) The Director-General 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 subsection 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.

[40] Section 104F Sale, lease or other disposal of land

Omit section 104F (2).

[41] Section 104G

Omit the section. Insert instead:

104G Acquisition of land

- (1) The Director-General may, for the purpose of the exercise of the Director-General'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 subsection (1) include for the purposes of a future sale, lease or disposal, that is, to enable the Director-General to exercise his or her functions in relation to land under this Act.
- (3) An acquisition of land under this section is not void merely because it is expressed to be for the purposes of exercising the functions of the Director-General or for the purposes of this Act.
- (4) Without limiting the generality of this section, the purposes for which land may be acquired under this section include acquiring

land for future use for transport infrastructure or services referred to in section 3C.

[42] Section 104J Annual reporting requirements

Omit the section.

[43] Section 104V Resolution of disputes concerning routes of light rail systems

Omit section 104V (1). Insert instead:

- (1) This section applies to a dispute between the relevant Ministers about a recommendation under section 104N relating to the declaration of a route of a light rail system.

[44] Section 104V (2)

Omit “the Ministry of Transport”. Insert instead “Transport NSW”.

[45] Section 104V (3)

Omit the subsection.

[46] Section 107 Definition of “transport authority”

Omit section 107 (1) (d).

[47] Section 107 (3)

Insert after section 107 (2):

- (3) In sections 110, 112, 113 and 115, a reference to a transport authority includes a reference to the Director-General.

[48] Section 109 Seals of Authorities

Omit “(including the ITSRR)”.

[49] Section 109 (2)

Insert at the end of the section:

- (2) In this section:
Authority means any of the following:
 - (a) RailCorp,
 - (b) Roads and Traffic Authority,
 - (c) State Transit Authority,
 - (d) Sydney Ferries,
 - (e) Transport Construction Authority,

- (f) Country Rail Infrastructure Authority,
- (g) Independent Transport Safety Regulator.

[50] Section 111 Referral of disputes

Insert after section 111 (1):

- (1A) If any dispute with respect to the carrying out of the functions of the Director-General under this Act arises between the Director-General and a public authority (other than a transport authority), either party may refer the matter to the Minister.

[51] Section 111 (2)

Omit “to the dispute”. Insert instead “to a dispute under this section”.

[52] Section 112 Personal liability of certain persons

Omit the definition of *transport authority* from section 112 (2). Insert instead:
transport authority includes:

- (a) the Independent Transport Safety Advisory Board, and
- (b) the Chief Investigator.

[53] Section 113 Presumption of validity

Insert “or the Director-General” after “the Minister” in section 113 (1).

[54] Part 9, Division 7 State Rail Authority

Omit the Division.

[55] Schedule 1 Constitution and procedure of Boards

Omit the Schedule.

[56] Schedule 2 Provisions relating to Chief Executives

Omit the definition of *Chief Executive* from clause 1. Insert instead:

Chief Executive means the Chief Executive of any of the following bodies:

- (a) RailCorp,
- (b) Roads and Traffic Authority,
- (c) State Transit Authority,
- (d) Sydney Ferries,
- (e) Transport Construction Authority,
- (f) Country Rail Infrastructure Authority.

[57] Schedule 2, clause 1A

Insert at the end of the clause:

- (2) This clause is subject to clauses 164 and 175 of Schedule 7.

[58] Schedule 2, clause 3

Omit “Minister” wherever occurring. Insert instead “Director-General”.

[59] Schedule 3, heading

Omit “Group and Roads and Traffic Advisory”.

[60] Schedule 3

Omit “(Sections 43 (3), 54 (3))”.

[61] Schedule 3, clause 1

Omit the clause. Insert instead:

1 Definition

In this Schedule:

member means an ex-officio or appointed member of the Advisory Council.

[62] Schedule 3, clause 3

Omit the clause. Insert instead:

3 Chairperson of Advisory Council

- (1) Of the appointed members of the Advisory Council, one is (in and by the member’s instrument of appointment or in and by another instrument executed by the Minister) to be appointed as Chairperson of the Advisory Council.
- (2) The Minister may remove a member from the office of Chairperson of the Advisory Council at any time.
- (3) A person who is a member and Chairperson of the Advisory Council vacates office as Chairperson if the person:
 - (a) is removed from that office by the Minister, or
 - (b) resigns that office by instrument in writing addressed to the Minister, or
 - (c) ceases to be a member.

[63] Schedule 3, clauses 4 (3), 7 (1) (e) and 10–14

Omit “an Advisory” wherever occurring. Insert instead “the Advisory”.

[64] Schedule 3, clause 9A

Insert after clause 9:

9A Personal liability

A matter or thing done or omitted to be done by the Advisory Council, a member of the Advisory Council or a person acting under the direction of the Advisory Council does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing this or any other Act, subject a member or a person so acting personally to any action, liability, claim or demand.

[65] Schedule 4 Transfer of assets, rights and liabilities

Omit “(Section 94)”.

[66] Schedule 4, clause 2 (1)

Insert at the end of the subclause:

Note. A transfer under clause 180 of Schedule 7, clause 8 of Schedule 8A and clause 8 of Schedule 9 also operates as if it were an order to which this Schedule applies.

[67] Schedule 5 Extended leave for certain staff

Omit “(Section 58)”.

[68] Schedule 5, clause 2

Omit the definition of *Authority*. Insert instead:

Authority means any of the following:

- (a) RailCorp,
- (b) Roads and Traffic Authority,
- (c) State Transit Authority,
- (d) Sydney Ferries,
- (e) Transport Construction Authority,
- (f) Country Rail Infrastructure Authority,
- (g) Independent Transport Safety Regulator,
- (h) until their dissolution, Sydney Metro and the Public Transport Ticketing Corporation.

[69] Schedule 6 Transfer of certain staff

Omit the Schedule.

[70] Schedule 7 Savings, transitional and other provisions

Insert at the end of clause 2 (1):

Transport Administration Amendment Act 2010

[71] Schedule 7, clauses 106 and 138

Omit the clauses.

[72] Schedule 7, Part 19

Insert after Part 18:

**Part 19 Provisions consequent on enactment of
Transport Administration Amendment
Act 2010**

174 References to Department of Transport and Infrastructure

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 Department of Transport and Infrastructure is to be construed as a reference to Transport NSW.

175 Existing chief executives of transport agencies

- (1) The person holding office as the chief executive (however described) of any of the following bodies immediately before the commencement of this clause is taken to have been appointed by the Director-General, for the balance of the person's term of appointment, as the chief executive of the body in respect of which the person formerly held office as chief executive:
 - (a) RailCorp,
 - (b) Roads and Traffic Authority,
 - (c) State Transit Authority,
 - (d) Sydney Ferries.
- (2) The person holding office as the chief executive officer of Transport Infrastructure Development Corporation immediately before the commencement of this clause is taken to have been appointed by the Director-General, for the balance of the person's term of appointment, as the chief executive of the Transport Construction Authority:
 - (a) with the same remuneration as that payable to the person immediately before that commencement, and

- (b) on such other terms and conditions relating to that previous appointment as the Director-General determines after consultation with the Director of Public Employment.
- (3) The person holding office as the chief executive officer of Rail Infrastructure Corporation immediately before the commencement of this clause is taken to have been appointed by the Director-General, for the balance of the person's term of appointment, as the chief executive of the Country Rail Infrastructure Authority:
 - (a) with the same remuneration as that payable to the person immediately before that commencement and,
 - (b) on such other terms and conditions relating to that previous appointment as the Director-General determines after consultation with the Director of Public Employment.
- (4) The person holding office as the chief executive officer of Sydney Metro immediately before the commencement of this clause ceases to hold that office.
- (5) The person holding office as the chief executive officer of the Public Transport Ticketing Corporation immediately before the commencement of this clause ceases to hold that office.
- (6) No compensation or remuneration is payable to any person as a consequence of:
 - (a) the person ceasing to hold any office, or
 - (b) the effect on a person's existing contract of employment, because of the operation of this clause.
- (7) Except as provided by this clause and clause 164, the continuation of a person's appointment under this clause is subject to Part 3.1 of the *Public Sector Employment and Management Act 2002*.

176 Existing Boards of transport agencies

- (1) In this clause:
 - existing Board*** means any of the following as constituted under this Act immediately before the commencement of this clause:
 - (a) RailCorp Board,
 - (b) State Transit Authority Board,
 - (c) Sydney Ferries Board,
 - (d) Public Transport Ticketing Corporation Board,
 - (e) Sydney Metro Board,

- (f) board of directors of Transport Infrastructure Development Corporation,
- (g) board of directors of Rail Infrastructure Corporation.
- (2) Each existing Board is abolished.
- (3) A person who, immediately before the commencement of this clause, held office as a member of an existing Board:
 - (a) ceases to hold that office, and
 - (b) is not entitled to any remuneration or compensation because of the loss of that office.

177 Existing Advisory Councils

- (1) In this clause:
existing Advisory Council means the Transport Advisory Group or the Roads and Traffic Advisory Council as constituted under this Act immediately before the commencement of this clause.
- (2) Each existing Advisory Council is abolished.
- (3) A person who, immediately before the commencement of this clause, held office as an appointed member of an existing Advisory Council:
 - (a) ceases to hold that office, and
 - (b) is not entitled to any remuneration or compensation because of the loss of that office, but is eligible to be appointed as a member of the Transport Advisory Council established under Part 5 of this Act.

178 Existing subsidiary corporations of transport authorities

- (1) Each subsidiary corporation constituted under a provision of this Act immediately before the repeal of that provision by the *Transport Administration Amendment Act 2010* is, subject to the regulations, taken to be constituted under Part 6B (as inserted by that Act) as a subsidiary corporation of the transport authority in respect of which the subsidiary corporation was previously constituted.
- (2) Without limiting the operation of subclause (1), Western Sydney Buses is, on the repeal of section 33 by the *Transport Administration Amendment Act 2010*, taken to have been constituted as a public subsidiary corporation of the State Transit Authority by the regulations under section 55C (as inserted by that Act).

179 Existing delegations of functions under Passenger Transport Act 1990

Any delegation by the Director-General under this Act of the Director-General's functions under the *Passenger Transport Act 1990* is taken to have been delegated under section 62A of that Act (as inserted by the *Transport Administration Amendment Act 2010*).

180 Abolition of Transport Administration Corporation

- (1) The Transport Administration Corporation is abolished.
- (2) The assets, rights and liabilities of the Transport Administration Corporation are, on the abolition of the Corporation, transferred to the Crown.
- (3) Schedule 4 applies to the transfer of the assets, rights and liabilities of the Transport Administration Corporation 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.

[73] Schedule 8 SRA Residual Holding Corporation

Omit "(Section 128)".

[74] Schedule 8, clause 23

Omit the clause.

7.2 Electricity (Consumer Safety) Act 2004 No 4

Section 3 Definitions

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

- (b1) Rail Corporation New South Wales, and

7.3 Local Government Act 1993 No 30

Section 555 What land is exempt from all rates?

Omit section 555 (1) (g1). Insert instead:

- (g1) land that is vested in or owned by a public transport agency (within the meaning of section 3C of the *Transport Administration Act 1988*) and in, on or over which rail infrastructure facilities (within the meaning of that Act) are installed,

7.4 Passenger Transport Act 1990 No 39

[1] Section 3 Definitions

Omit the definitions of *Department* and *Director-General* from section 3 (1).

Insert instead in alphabetical order:

Director-General means the Director-General of Transport NSW.

[2] Section 46W Appointment of authorised officers

Omit “the Department” from section 46W (1).

Insert instead “Transport NSW”.

[3] Section 62A

Insert after section 62:

62A Delegation of Director-General's functions

- (1) The Director-General may delegate to an authorised person any of the Director-General's functions under this Act, other than this power of delegation.
- (2) A delegate may subdelegate to an authorised person any function delegated by the Director-General if the delegate is authorised in writing to do so by the Director-General.
- (3) In this section, *authorised person* means:
 - (a) a member of staff of Transport NSW, or
 - (b) a person of a class prescribed by the regulations.

7.5 Public Finance and Audit Act 1983 No 152

Schedule 3 Departments

Omit the matter relating to the Department of Transport and Infrastructure.

Insert instead:

Transport NSW

Director-General of Transport NSW

7.6 Public Sector Employment and Management Act 2002 No 43

[1] Section 6 The Public Service

Insert after section 6 (2):

- (3) If a branch of any such Division is specified in Part 3 of Schedule 1, that branch is not part of the Public Service of New South Wales.

[2] Section 63 Definitions

Omit the definition of *public authority* from section 63 (1). Insert instead:

public authority means an authority which is established by or under an Act and which is (or whose governing authority is) constituted by persons appointed by (or with the approval of) the Governor or a Minister, but does not include the Teaching Service, the Government Service, the NSW Health Service or the NSW Police Force.

[3] Section 63 (1), definition of “remuneration package”

Insert “, subject to subsection (4),” after “means”.

[4] Section 63 (2) (a)

Insert “(other than a chief executive officer referred to in paragraph (a1))” after “officer”.

[5] Section 63 (2) (a1)

Insert after section 63 (2) (a):

- (a1) in the case of a chief executive officer appointed as the chief executive of Rail Corporation New South Wales, the Roads and Traffic Authority, the State Transit Authority, Sydney Ferries, the Transport Construction Authority or the Country Rail Infrastructure Authority—the Director-General of Transport NSW, or

[6] Section 63 (4)

Insert after section 63 (3):

- (4) For the purposes of this Part, the *remuneration package* for a chief executive officer to whom subsection 2 (a1) applies is the remuneration package determined by the Director-General of Transport NSW with the concurrence of the Director of Public Employment.

[7] Schedule 1 Divisions of the Government Service

Omit “a statutory corporation” from the note at the beginning of Part 3.

Insert instead “an agency”.

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

Insert after the position of Chief Executive of RailCorp in Part 2 (Chief executive positions (heads of public authorities)):

Chief Executive of the Transport Construction Authority

Chief Executive of the Country Rail Infrastructure Authority

7.7 Public Sector Employment and Management (Departmental Amalgamations) Order 2009

Clause 35 Transfer of certain staff to new Department

Omit the clause.