



New South Wales

Roads Amendment (Toll-free Period) Bill 2020

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Roads Act 1993* as follows—

- (a) to provide for the declaration of toll-free periods for new tollways,
- (b) to provide for the compensation of tollway operators for any consequent loss of revenue.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Roads Act 1993 No 33

Schedule 1 gives effect to the object set out in the Overview of the Bill outlined above by inserting Division 2A of Part 13.



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Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Roads Act 1993 No 33	3



New South Wales

Roads Amendment (Toll-free Period) Bill 2020

No. _____, 2020

A Bill for

An Act to amend the *Roads Act 1993* to provide for the declaration of toll-free periods for new tollways; and for related purposes.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Roads Amendment (Toll-free Period) Act 2020*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Roads Act 1993 No 33	1
Part 13, Division 2A		2
Insert after Division 2 of Part 13—		3
Division 2A	Toll-free period	4
216A	Minister to declare toll-free period	5
(1)	The Minister, by order published in the Gazette, is to declare a toll-free period for every tollway that is opened for the use of the public after this section commences (a <i>declared toll-free period</i>).	6 7 8
(2)	A declared toll-free period is to commence on the opening of the tollway.	9
(3)	During a declared toll-free period for a tollway, the toll operator of the tollway must not collect a toll or charge from the driver of a vehicle using the tollway.	10 11
(4)	During a declared toll-free period for a tollway, the driver of a vehicle using the tollway who does not pay a toll or charge does not, because of that non-payment, commit an offence under this Act or any other Act or Regulation.	12 13 14 15
(5)	The declaration of a toll-free period under this section has no effect on any contract between the State and the toll operator relating to the operation of the tollway or the collection of tolls and charges on the tollway, and specifically does not constitute—	16 17 18 19
(a)	a breach of the contract, or	20
(b)	a repudiation of the contract, or	21
(c)	a frustration of the contract.	22
(6)	To avoid doubt, no person may bring an action in any court to recover damages for any loss claimed to arise as a consequence of the declaration of a toll-free period under this section.	23 24 25
216B	Compensation	26
(1)	No compensation is payable to a toll operator for any loss of toll revenue arising from a declaration of a toll-free period under this Division except as provided for in this section.	27 28 29
(2)	If a toll operator claims loss as a result of the declaration of a toll-free period, the State is to negotiate in good faith with the toll operator in an attempt to agree on compensation and in doing so is to take account of any existing contractual provisions concerning the determination of compensation payable to the toll operator.	30 31 32 33 34
(3)	If the State and the toll operator are unable to reach agreement under subsection (2), the toll operator is to be compensated by the contract for the operation of the tollway or collection of tolls and charges on the tollway being extended by a period of time declared by the Minister by order published in the Gazette.	35 36 37 38 39