

Passed by both Houses



New South Wales

Transport Administration Amendment (Independent Transport Safety Regulator) Bill 2017

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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,*

, 2017



New South Wales

Transport Administration Amendment (Independent Transport Safety Regulator) Bill 2017

Act No , 2017

An Act to amend the *Transport Administration Act 1988* to abolish the Independent Transport Safety Regulator and to make consequential amendments to other legislation.

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 (Independent Transport Safety Regulator) Act 2017*.

2 Commencement

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

Schedule 1 Amendment of Transport Administration Act 1988 No 109

- [1] **Section 3 Definitions**
Omit the definition of *Independent Transport Safety Regulator* from section 3 (1).
- [2] **Section 3 (1)**
Insert in alphabetical order:
National Rail Safety Regulator means the Office of the National Rail Safety Regulator established under the *Rail Safety National Law (NSW)*.
- [3] **Section 3B Ministerial responsibility and delegation**
Omit the note from section 3B (1).
- [4] **Section 3H Review by relevant safety regulator of directions relating to transport safety matters**
Omit paragraph (a) of the definition of *relevant safety regulator* in section 3H (1).
Insert instead:
 (a) in the case of a direction relating to rail services or infrastructure—the National Rail Safety Regulator, or other independent professional person, approved by the Minister as the relevant safety regulator for the purposes of this section, or
- [5] **Part 4A Independent Transport Safety Regulator**
Omit the Part.
- [6] **Section 65 Definitions**
Omit paragraph (i) of the definition of *transport authority*.
- [7] **Section 66 Orders providing for transfer of staff of transport authorities**
Omit section 66 (3).
- [8] **Section 107 Definition of “transport authority”**
Omit paragraph (a1) of the definition of *transport authority* in section 107 (1).
- [9] **Section 109 Seals of Authorities**
Omit paragraph (g) of the definition of *Authority* in section 109 (2).
- [10] **Section 111 Referral of disputes**
Omit section 111 (5).
- [11] **Section 112 Personal liability of certain persons**
Omit “the Independent Transport Safety Regulator,” from the definition of *member of a transport authority* in section 112 (2).
- [12] **Schedule 1 Functions of Transport for NSW**
Omit paragraph (e) of the definition of *transport authority* in clause 4A (4).
- [13] **Schedule 2A, heading**
Omit “Chief Executive of the ITSR and”.

- [14] **Schedule 2A**
Omit “(Sections 42M (3) and 45 (2))”. Insert instead “(Section 45 (2))”.
- [15] **Schedule 2A, clause 1, definition of “Chief Executive”**
Omit the definition. Insert instead:
Chief Investigator means the Chief Investigator of the Office of Transport Safety Investigations.
- [16] **Schedule 2A, clause 2 (1)**
Omit “A Chief Executive”. Insert instead “The Chief Investigator”.
- [17] **Schedule 2A, clause 2 (2)**
Omit the subclause.
- [18] **Schedule 2A, clauses 3, 5 (2), 6 and 7**
Omit “Chief Executive” wherever occurring. Insert instead “Chief Investigator”.
- [19] **Schedule 2A, clause 4**
Omit “a Chief Executive” wherever occurring. Insert instead “the Chief Investigator”.
- [20] **Schedule 2A, clause 4 (1)**
Omit “the Chief Executive”. Insert instead “the Chief Investigator”.
- [21] **Schedule 2A, clause 5 (1)**
Omit “Chief Executive”. Insert instead “the Chief Investigator”.
- [22] **Schedule 4 Transfer of assets, rights and liabilities**
Insert after clause 2 (1):
(1A) This Schedule also applies to the transfer of the assets, rights and liabilities of the Independent Transport Safety Regulator to the Crown by Schedule 7. This Schedule applies as if that transfer were an order to which this Schedule applies that took effect on the date of commencement of this subclause.
- [23] **Schedule 6A Powers relating to rail infrastructure facilities and land**
Omit “or an officer of the Independent Transport Safety Regulator” from clause 16 (4).
- [24] **Schedule 6A, clause 16 (5)**
Insert after clause 16 (4):
(5) This clause applies subject to the *Rail Safety National Law (NSW)*.
- [25] **Schedule 7 Savings, transitional and other provisions**
Insert at the end of the Schedule, with appropriate Part and clause numbering:
- Part Provisions consequent on enactment of Transport Administration Amendment (Independent Transport Safety Regulator) Act 2017**
- Abolition of Independent Transport Safety Regulator**
- (1) The Independent Transport Safety Regulator is abolished.

- (2) On its abolition, the assets, rights and liabilities of the Independent Transport Safety Regulator are transferred to the Crown.
- (3) The Minister may:
 - (a) enter into an arrangement with the National Rail Safety Regulator for the transfer of any assets, rights and liabilities transferred to the Crown by this clause to the National Rail Safety Regulator, or
 - (b) transfer any assets, rights and liabilities transferred to the Crown by this clause to a NSW government agency.
- (4) Schedule 4 applies to the transfer of assets, rights and liabilities under this clause.
- (5) Words and expressions used in this clause have the same meanings as they have in Schedule 4.

Chief Executive of Independent Transport Safety Regulator ceases to hold statutory office

The person holding office as the Chief Executive of the Independent Transport Safety Regulator immediately before the commencement of the *Transport Administration Amendment (Independent Transport Safety Regulator) Act 2017*:

- (a) ceases to hold that office, and
- (b) is not entitled to any remuneration or compensation for the loss of that office.

Schedule 2 Consequential amendment of other legislation

2.1 Government Sector Employment Act 2013 No 40

Schedule 1 Public Service agencies

Omit the matter relating to the Independent Transport Safety Regulator Staff Agency from Part 3.

2.2 Passenger Transport Act 2014 No 46

Schedule 4 Amendment of Acts

Omit Schedule 4.12 [10].

2.3 Public Finance and Audit Act 1983 No 152

Schedule 2 Statutory bodies

Omit “Independent Transport Safety Regulator”.

2.4 Rail Safety (Adoption of National Law) Act 2012 No 82

Section 13 Provision of information and assistance by ITSR

Omit the section.

2.5 Rail Safety (Adoption of National Law) Regulation 2012

[1] Clause 3 Definitions

Omit the definition of *ITSR* from clause 3 (1).

[2] Clause 44 Improvement and prohibition notices and other compliance and enforcement matters

Omit “ITSR” from clause 44 (5).

Insert instead “former Independent Transport Safety Regulator”.

[3] Clause 49 Information sharing agreements

Omit the clause.