

[Act 1998 No 8]



New South Wales

Transport Administration Amendment (Railway Services Authority Corporatisation) Bill 1998

Explanatory note

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

Overview of Bill

The object of this Bill is to corporatise the Railway Services Authority. Under the amendments to the *Transport Administration Act 1988* made by the Bill, the Authority will become a statutory State owned corporation under the *State Owned Corporations Act 1989* with the corporate name of Rail Services Australia.

Rail Access Corporation and Freight Rail Corporation constituted under the *Transport Administration Act 1988* are also statutory State owned corporations.

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 a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Transport Administration Act 1988* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the consequential amendments of other Acts set out in Schedule 2.

Schedule 1 Amendment of Transport Administration Act 1988

Schedule 1 [8] inserts Division 3A into Part 2A of the Principal Act. The new Division establishes Rail Services Australia as a statutory State owned corporation and amends the *State Owned Corporations Act 1989* accordingly. The new Division also sets out the objectives and functions of Rail Services Australia. They are similar to the Railway Services Authority except that the principal objectives and functions of Rail Services Australia relate to the supply of goods and services to the rail industry generally (instead of the rail industry in New South Wales). In addition, the new Division makes it clear that Rail Services Australia may also supply goods and services to other industries (including for the purpose of the management or maintenance of any kind of infrastructure).

Schedule 1 [1]–[7] and [9]–[23] make consequential amendments. In particular, the amendments apply the special provisions of the Principal Act relating to the other Rail Corporations (that is, Rail Access Corporation and Freight Rail Corporation) to Rail Services Australia, including special provisions relating to:

- (a) restrictions on the sale of shares (section 19L of the Principal Act), and
- (b) the appointment and removal of the board of directors (section 190 of the Principal Act), and
- (c) the appointment and other provisions relating to the chief executive officer (section 19R of the Principal Act), and
- (d) the payment of dividends (section 19T of the Principal Act).

Schedule 1 [24] inserts provisions consequent on the enactment of the proposed Act, including:

- (a) the dissolution of the Railway Services Authority, and
- (b) the transfer, by Ministerial order, of the assets, rights and liabilities of the Authority to Rail Services Australia, and
- (c) the automatic transfer of all staff of the Authority (other than the Chief Executive) to the service of Rail Services Australia on existing terms and conditions of employment, and
- (d) the preservation of pending staff appeals to a Transport Appeal Board.

Schedule 2 Consequential amendment of other Acts

The Schedule amends the following Acts consequentially:

Attachment of Wages Limitation Act 1957

Clean Air Act 1961

Clean Waters Act 1970

Electricity Supply Act 1995

First State Superannuation Act 1992

Public Authorities (Financial Arrangements) Act 1987

Public Finance and Audit Act 1983

Public Sector Executives Superannuation Act 1989

Public Sector Management Act 1988

Rail Safety Act 1993

State Authorities Non-contributory Superannuation Act 1987

State Authorities Superannuation Act 1987

Superannuation Act 1916

Transport Appeal Boards Act 1980