



New South Wales

Transport Administration Amendment (Transport Levy for Major Events) Bill 2005

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 *Transport Administration Act 1988* to provide for transport levies to assist in meeting costs arising out of the provision of public transport services for major events held at Sydney Olympic Park and other venues.

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.

Clause 3 is a formal provision that gives effect to the amendments to the *Transport Administration Act 1988* (the *Principal Act*) set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [2] inserts Division 1 of Part 8 (proposed sections 69–72C) into the Principal Act.

Proposed section 69 defines words and expressions used in the proposed Division.

Proposed section 70 enables the Minister, by order published in the Gazette, to declare a particular event to be a major event for which a transport levy is to be levied. Such an order may be made for events held at Sydney Olympic Park or for other events that are prescribed by the regulations.

Proposed section 71 makes the transport levy payable by the patrons of the major event. The Director-General of the Ministry of Transport is to determine the amount or amounts of the transport levy and the public transport services to be provided for a major event after consulting with the organiser and venue manager (if any). Money from a transport levy is to be applied for the provision of public transport services for major events and for associated or other public transport purposes.

Proposed section 72 requires the transport levy to be paid in the manner and within the period determined by the Director-General and requires patrons to pay an amount of transport levy, whether or not they use the transport services concerned.

Proposed section 72A provides for the Director-General, or a person authorised by the Director-General, to enter into an agreement with the organiser of a major event or venue manager with respect to matters relating to the collection and payment of the transport levy. Those matters include payment by patrons of the levy (and its inclusion in ticket prices or membership or benefit prices), the sale and use of tickets to major events as tickets for public transport services, the issue of event tickets by transport authorities and other transport providers, methods of collection and payment of the levy and the provision of and liability for costs of public transport services.

Proposed section 72B enables a patron of a major event who has a ticket to the event to be treated as if the patron had purchased a ticket for public transport services covered by the transport levy for transport to and from the event. The entitlement to do so is subject to the approval of the Director-General, after the Director-General is satisfied that appropriate arrangements have been made for the payment and collection of the transport levy for the major event.

Proposed section 72C authorises agreements entered into in connection with a matter referred to in the proposed Division and the conduct of parties in entering into and performing those agreements for the purposes of section 51 of the *Trade Practices Act 1974* of the Commonwealth. The effect of this is to prevent those agreements and that conduct from contravening Part IV of that Act (which relates to restrictive trade practices).

Schedule 1 [1] and [4] make consequential amendments to apply general provisions relating to the functions of the Director-General (including the power to delegate functions) under the Principal Act to proposed Division 1 of Part 8.

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Schedule 1 [3] makes it clear that provisions setting fares for the use of transport services do not apply to services covered by a transport levy.

Schedule 1 [5] enables regulations containing savings and transitional provisions to be made as a consequence of the enactment of the proposed Act.

First print



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New South Wales

Transport Administration Amendment (Transport Levy for Major Events) Bill 2005

No. , 2005

A Bill for

An Act to amend the *Transport Administration Act 1988* to provide for a transport levy to assist in meeting costs arising out of the provision of public transport services for major events; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Transport Administration Amendment (Transport Levy for Major Events) Act 2005</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Transport Administration Act 1988 No 109	7
The <i>Transport Administration Act 1988</i> is amended as set out in Schedule 1.	8 9

Schedule 1	Amendments	1	
	(Section 3)	2	
[1]	Section 36 References to Director-General	3	
	Insert “Division 1 of Part 8 or” before “Division 2A of Part 9”.	4	
[2]	Part 8, Division 1	5	
	Insert before Division 2 of Part 8:	6	
	Division 1	Transport levies for major events	7
	69	Definitions	8
	In this Division:	9	
	<i>major event</i> means an event declared by the Minister, by order under section 70, to be a major event for which a transport levy is to be levied.	10 11 12	
	<i>organiser</i> of a major event means the person or organisation that conducts the event or on whose behalf the event is conducted, or the person (if any) prescribed by the regulations as the organiser of a major event for the purposes of this Division.	13 14 15 16	
	<i>patron</i> of a major event means a person who purchases or who is issued a ticket (however described) to the event, and includes a person whose entitlement to attend the event derives from the purchase of a membership or other benefit entitling the person to attend events at the venue for the major event.	17 18 19 20 21	
	<i>public transport service</i> means a public transport service provided by a transport authority or by another transport provider under an arrangement entered into with a transport authority.	22 23 24	
	<i>transport authority</i> means:	25	
	(a) the Director-General, or	26	
	(b) the Roads and Traffic Authority, or	27	
	(c) RailCorp, or	28	
	(d) Sydney Ferries, or	29	
	(e) the State Transit Authority, or	30	
	(f) the State Rail Authority.	31	
	<i>transport levy</i> means a transport levy levied under this Division.	32	

70	Declaration of major events	1
(1)	The Minister may, by order published in the Gazette, declare a particular event to be a major event for which a transport levy is to be levied.	2 3 4
(2)	An order may apply to the following:	5
(a)	an event conducted at Sydney Olympic Park,	6
(b)	any other event prescribed by the regulations for the purposes of this section.	7 8
71	Transport levy	9
(1)	The transport levy for a major event is payable by patrons of the event.	10 11
(2)	The amount or amounts of a transport levy payable by patrons, and the public transport services to be provided, for a major event are to be determined by the Director-General after consultation with the organiser of the major event and the manager of the venue (if any) for the major event.	12 13 14 15 16
(3)	The Director-General may determine that the transport levy payable is to vary according to the type of ticket (however described) purchased by or issued to a patron or the type of entitlement of a patron to attend the event and may exclude patrons or classes of patrons from liability to pay the levy.	17 18 19 20 21
(4)	In determining the amount or amounts of a transport levy for a major event, the Director-General is to have regard to the cost of providing public transport services for the event and associated costs and such other matters as the Director-General thinks fit.	22 23 24 25
(5)	Money from a transport levy is to be applied for the provision of public transport services for major events and for associated or other public transport purposes.	26 27 28
72	Payment of transport levy	29
(1)	The transport levy for a major event is to be paid in the manner and within the period determined by the Director-General.	30 31
(2)	All of the patrons of the event are required to pay an amount of transport levy whether or not those patrons use the public transport services covered by the transport levy, subject to any determination under section 71 (3).	32 33 34 35
(3)	Money from a transport levy is payable to an account under the control of the Director-General in the Special Deposits Account that may be used for the purposes set out in section 71 (5).	36 37 38

72A	Agreements as to collection and payment of transport levy	1
(1)	The Director-General, or any other person authorised by the Director-General, may enter into an agreement with the organiser of a major event or the manager of a venue for a major event as to any of the following matters:	2
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	(a) the payment by patrons of the transport levy, including the inclusion of the levy in the price of a ticket to a major event or the price of a membership or other benefit,	6
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	(b) the sale and use of a ticket to the major event as a ticket enabling the use of public transport services,	9
		10
	(c) the sale or issue by a transport authority or other transport provider of tickets to the major event,	11
		12
	(d) methods of collection, payment and remitting of a transport levy,	13
		14
	(e) the enforcement of payment of a transport levy,	15
	(f) the provision of public transport services for the major event,	16
		17
	(g) liability for the costs of provision of public transport services for the major event.	18
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(2)	Nothing in this section:	20
	(a) limits any other matter that may be the subject of an agreement or arrangement between parties referred to in this section, or	21
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	(b) prevents a matter referred to in this section from being dealt with by other agreements or arrangements.	24
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72B	Effect of payment of transport levy	26
(1)	A patron of a major event who purchases, or is issued, a ticket to a major event is entitled to use public transport services covered by the transport levy for the event for transport to and from the event as if the patron had purchased a ticket for the use of those services.	27
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(2)	This section does not affect any right of a transport authority or other transport provider to prevent a patron from using a public transport service, to impose conditions on the use of a public transport service or to remove a patron from a public transport service.	32
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(3)	For the purposes of this section, a public transport service is <i>covered by a transport levy</i> if it is approved by the Director-General for the purposes of this section, after being satisfied that appropriate arrangements have been made for the payment and collection of the transport levy for the major event.	1 2 3 4 5
72C	Authorisations for section 51 of Trade Practices Act 1974 (Cth) and Competition Code	6 7
(1)	The following:	8
(a)	an agreement relating to or in connection with a matter referred to in this Division and entered into after the commencement of this section by the Director-General, any other person authorised by the Director-General, the organiser of a major event or the manager of the venue of a major event, or any other person,	9 10 11 12 13 14
(b)	the conduct of the parties in entering into any such agreement,	15 16
(c)	the conduct of the parties in performing any such agreement and any matter or thing done or omitted to be done by any of the parties in performing any such agreement,	17 18 19 20
	are specifically authorised by this Act for the purposes of the <i>Trade Practices Act 1974</i> of the Commonwealth and the <i>Competition Code of New South Wales</i> .	21 22 23
(2)	In this section:	24
	<i>agreement</i> includes a contract, arrangement or understanding.	25
[3]	Section 85 Orders fixing charges	26
	Insert after section 85 (5):	27
(6)	Nothing in this Part applies to or in respect of a service provided by an Authority that is covered by a transport levy as mentioned in section 72B.	28 29 30
[4]	Section 104A Miscellaneous provisions relating to Director-General	31
	Insert “under Division 1 of Part 8,” after “Part 4,”.	32

[5] Schedule 7 Savings, transitional and other provisions	1
Insert at the end of clause 2 (1):	2
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