

Transport Legislation Amendment Act 2011 No 41

[2011-41]



New South Wales

Status Information

Currency of version

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Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

Notes—

- **Note**

Amending Acts and amending provisions are subject to automatic repeal pursuant to sec 30C of the [Interpretation Act 1987 No 15](#) once the amendments have taken effect.

Authorisation

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Transport Legislation Amendment Act 2011 No 41



New South Wales

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

1 Name of Act

This Act is the *Transport Legislation Amendment Act 2011*.

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[1]-[41] (Repealed)

[42] Section 99D Network control

Insert at the end of section 99D (1):

Note—

TfNSW has responsibility for determining the Standard Working Timetable in the metropolitan rail area. See clause 5 of Schedule 1.

[43]-[52] (Repealed)

[53] Schedule 1

Insert as Schedule 1:

Schedule 1 Functions of Transport for NSW

Part 1 General functions

1 General functions of TfNSW

TfNSW has the following general functions:

(a) **Transport planning and policy**

Transport planning and policy, including for integrated rail network, road network, maritime operations and maritime transport and land use strategies for metropolitan and regional areas.

(b) **Transport public funding**

The administration of the allocation of public funding for the transport sector, including the determination of budgets and programs across that sector.

(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 system.

(d) **Capital works programs and budgets**

Co-ordination of capital works programs and budgets across the transport sector.

(e) **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.

(f) **Transport services co-ordination**

The co-ordination of transport services, including timetabling for transport services and providing for effective transport interchanges.

(g) **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.

(h) **Transport information**

The provision of information about transport services and transport

infrastructure to assist people to use those services or infrastructure.

(i) **Provision and deployment of staff and services**

The provision of corporate and shared services to public transport agencies and the deployment of staff to public transport agencies and the Department of Transport.

(j) **Ticketing for transport services**

The provision of integrated ticketing arrangements for transport services, and regulating the types of tickets and other ticketing arrangements for the setting of fares for transport services.

(k) **Precinct land planning**

Assisting the Minister for Planning and Infrastructure 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.

(l) **Procurement**

Co-ordinating and carrying out the procurement of transport infrastructure and transport vehicles, rolling stock and vessels.

2 Advice and recommendations to the Minister

(1) The transport policy and planning function of TfNSW includes the function of advising, assisting and making recommendations to the Minister in connection with the following:

- (a) the development of policy (including regulatory policy) for or in connection with the implementation or enforcement of the transport legislation,
- (b) the development of policy (including regulatory policy) for promoting and improving road safety, road travel efficiency and road traffic management,
- (c) policy and planning for or in connection with ports and maritime matters,
- (d) the initiation, development and implementation of proposals for the amendment of the transport legislation and other legislation relevant to the functions of TfNSW.

(2) In this clause, a reference to the Minister includes a reference to any Minister administering any provision of the transport legislation or other legislation relevant to the functions of TfNSW.

Part 2 Transport functions

3 Transport infrastructure development

(1) TfNSW may:

- (a) develop, establish, hold, manage and maintain transport infrastructure on behalf of the State, and
- (b) hold, manage, maintain and establish assets associated with transport infrastructure developed or proposed to be developed by TfNSW, and
- (c) make and enter into leases or licences, or other arrangements, with persons for developing transport infrastructure, and
- (d) provide goods and services to the bus, rail, ferry or other transport industries.

(2) In this clause, a reference to developing transport infrastructure includes:

- (a) carrying out development for the purposes of or incidental to transport infrastructure (including development of land in the vicinity of transport infrastructure), and
- (b) facilitating, managing, financing or maintaining any such development, and
- (c) carrying out any function ancillary to any such development.

(3) In this clause:

development means development within the meaning of the [Environmental Planning and Assessment Act 1979](#) or an activity within the meaning of Part 5 of that Act.

transport infrastructure includes:

- (a) infrastructure associated with the use or operation of transport infrastructure, and
- (b) retail, commercial and residential development associated with or developed in conjunction with transport infrastructure.

4 Road safety, road travel efficiency and road traffic management

(1) TfNSW may:

- (a) conduct testing, research and investigations in connection with promoting or improving road safety, road travel efficiency and road traffic management, and

- (b) develop and implement programs, projects, strategies and campaigns for promoting or improving road safety, road travel efficiency and road traffic management, and
 - (c) provide advice and assistance to public and local authorities for the promotion or improvement of road safety, road travel efficiency and road traffic management.
- (2) In this clause, **road safety** refers to safety in connection with roads, road vehicles and all aspects of road usage.

5 Standard Working Timetable

- (1) TfNSW has responsibility for determining the Standard Working Timetable for the delivery of transport services by public transport agencies for all modes of transport in the metropolitan rail area. TfNSW may alter or replace the Standard Working Timetable from time to time.
- (2) The **Standard Working Timetable** is the timetable that provides the specifications for the following aspects of the daily provision of rail, bus and ferry services by public transport agencies:
- (a) frequency of services,
 - (b) daily service periods (that is, the times of first and last services),
 - (c) size and carrying capacity of the trains, buses and ferries to be used to provide services,
 - (d) movement of trains, buses and ferries when not in service,
 - (e) access and non-operational times for maintenance and other operational purposes.
- (3) TfNSW is to determine the Standard Working Timetable (including any alteration or replacement of that timetable) in consultation with the public transport agencies concerned.
- (4) The Standard Working Timetable (as in force from time to time) is to be adopted by all public transport agencies as the timetable for the delivery of the transport services for which they are responsible.
- (5) The Standard Working Timetable does not operate to prevent timetable changes due to incident management or maintenance.
- (6) This clause overrides section 99D (Network control) and any order under that section, to the extent of any inconsistency with this clause.

6 Provision of rail access

TfNSW may provide persons with access under the current NSW rail access undertaking to the part of the NSW rail network vested in or owned by TfNSW and that is not subject to an ARTC lease or licence.

7 Community transport schemes

TfNSW may allocate funding for and administer or arrange for the administration of any scheme approved by the Minister for the provision of community transport schemes and services.

8 Government subsidised travel schemes

- (1) TfNSW 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 subclause 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.

Part 3 Ancillary functions

9 Power to contract

- (1) TfNSW may make or enter into contracts or arrangements with any person in connection with the exercise of TfNSW's functions.
- (2) This clause does not limit the operation of any provision of the [Passenger Transport Act 1990](#).

10 Sale, lease or other disposal of land

TfNSW may sell, lease or otherwise dispose of any of TfNSW's land.

11 Acquisition of land

- (1) TfNSW may, for the purpose of the exercise of TfNSW'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 subclause (1) include for the purposes of a future sale, lease or disposal, that is, to enable TfNSW to

exercise its functions in relation to land under this Act.

- (3) An acquisition of land under this clause is not void merely because it is expressed to be for the purposes of exercising the functions of TfNSW or for the purposes of this Act.
- (4) Without limiting the generality of this clause, the purposes for which land may be acquired under this clause include acquiring land for future use for transport infrastructure or services.

12 Application of *Public Works Act 1912*

- (1) For the purposes of the *Public Works Act 1912*, any acquisition of land under clause 11 is taken to be for an authorised work and TfNSW is, in relation to the authorised work, taken to be the Constructing Authority.
- (2) Part 3 of the *Public Works Act 1912* does not apply in respect of works constructed for the purposes for which the land was acquired.

13 Other functions concerning land

- (1) TfNSW may, with the consent of the owner of any land, exercise in relation to the land any function that TfNSW could so exercise if TfNSW were the owner of the land.
- (2) TfNSW may exercise in relation to any land in which TfNSW holds an interest any function that a private individual could so exercise if the private individual were the holder of the interest.

14 Regulations

- (1) The regulations may make provision for or with respect to passenger transport facilities (including light rail systems) provided in the exercise of TfNSW's functions.
- (2) In particular, the regulations may make provision for or with respect to:
 - (a) the terms and conditions on which passengers or other persons use those facilities, and
 - (b) the use of and access to those facilities, and
 - (c) the protection and preservation of those facilities, and
 - (d) the security, safety and order of persons using those facilities.

[54]-[65] (Repealed)

Schedule 2 (Repealed)

Schedule 3 Amendments relating to the abolition of Transport Construction Authority

3.1 Transport Administration Act 1988 No 109

[1] Section 3 Definitions

Omit the definition of *Transport Construction Authority* from section 3 (1).

[2] Section 3, definition of “public transport agency” (as inserted by Schedule 1 to this Act)

Omit “the Transport Construction Authority,”.

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

Omit “the Transport Construction Authority” wherever occurring in paragraph (a).

Insert instead “TfNSW”.

[4] Section 3B Ministerial responsibility and delegation

Omit section 3B (1) (e).

[5] Section 3G Directions by TfNSW to public transport agencies (as inserted by Schedule 1 to this Act)

Omit section 3G (1) (e).

[6] Part 2A Transport Construction Authority

Omit the Part.

[7] Section 42A Definitions

Omit paragraph (d1) of the definition of *transport authority*.

[8] Section 55A Definition of “transport authority”

Omit paragraph (f) of the definition of *transport authority*.

[9] Part 7, Division 2A Staff of Transport Construction Authority

Omit the Division.

[10] Section 65 Definitions

Omit paragraph (f) of the definition of *transport authority*.

[11] Part 8, Division 1A Financial provisions relating to Transport Construction Authority

Omit the Division.

[12] Section 81A Definition

Omit paragraph (e) of the definition of **Authority**.

[13] Section 88A Definitions

Omit “the Transport Construction Authority” from the definition of **rail authority**.

Insert instead “TfNSW”.

[14] Section 89 Definitions

Omit “the Transport Construction Authority,” from the definition of **rail authority**.

[15] Section 107 Definition of “transport authority”

Omit paragraph (c2) of the definition of **transport authority** in section 107 (1).

[16] Section 109 Seals of Authorities

Omit paragraph (e) of the definition of **Authority** in section 109 (2).

[17] Section 112 Personal liability of certain persons

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

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

Omit “the Transport Construction Authority” from the definition of **parking offence** in section 116 (7).

Insert instead “TfNSW”.

[19] Section 122 Definitions

Omit “, the Transport Construction Authority” from the definition of **rail authority**.

[20] Schedule 2 Provisions relating to Chief Executives

Omit paragraph (e) of the definition of **Chief Executive** in clause 1.

[21] Schedule 5 Extended leave for certain staff

Omit paragraph (e) of the definition of **Authority** in clause 2.

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

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

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

Omit “or the Transport Construction Authority,” from paragraph (a).

[24] Schedule 6A, clause 2A (3)

Omit the subclause.

[25] Schedule 6A, clause 2C (5) (as inserted by Schedule 1 to this Act)

Omit “or the Transport Construction Authority”.

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

Omit “the Transport Construction Authority,” from the definition of *rail authority* in clause 1 (1).

[27] Schedule 7 Savings, transitional and other provisions

Insert at the end of Part 20 (as inserted by Schedule 1 to this Act) with appropriate Division and clause numbering:

Division Provisions consequent on abolition of TCA

Abolition of TCA

- (1) The Transport Construction Authority is abolished.
- (2) The assets, rights and liabilities of the Transport Construction Authority are, on the abolition of the Authority, transferred to Transport for NSW.
- (3) Schedule 4 applies to the transfer of the assets, rights and liabilities of the Transport Construction Authority 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) 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 Transport Construction Authority is to be construed as a reference to Transport for New South Wales.

3.2 First State Superannuation Act 1992 No 100

Schedule 1 Employers

Omit “Transport Construction Authority”.

3.3 Public Finance and Audit Act 1983 No 152

Schedule 2 Statutory bodies

Omit “Transport Construction Authority”.

3.4 Public Sector Employment and Management Act 2002 No 43

[1] Section 63 Definitions

Omit “, Sydney Ferries, the Transport Construction Authority” from section 63 (2) (a1).

Insert instead “or Sydney Ferries”.

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

Omit “Chief Executive of the Transport Construction Authority” from Part 2.

3.5 State Authorities Non-contributory Superannuation Act 1987 No 212

Schedule 1 Employers

Omit “Transport Construction Authority” from Part 1.

3.6 State Authorities Superannuation Act 1987 No 211

Schedule 1 Employers

Omit “Transport Construction Authority” from Part 1.

3.7 Superannuation Act 1916 No 28

Schedule 3 List of employers

Omit “Transport Construction Authority” from Part 1.

Schedule 4 Amendments relating to the abolition of Country Rail Infrastructure Authority

4.1 Transport Administration Act 1988 No 109

[1] Section 3 Definitions

Omit the definition of **Country Rail Infrastructure Authority** from section 3 (1).

[2] Section 3, definition of “public transport agency” (as inserted by Schedule 1 to this Act)

Omit “the Country Rail Infrastructure Authority,”.

[3] Section 3B Ministerial responsibility and delegation

Omit section 3B (1) (f).

[4] Section 3G Directions by TfNSW to public transport agencies (as inserted by Schedule

1 to this Act)

Omit section 3G (1) (f).

[5] Part 2B Country Rail Infrastructure Authority

Omit the Part.

[6] Section 42A Definitions

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

[7] Section 55A Definition of “transport authority”

Omit paragraph (g) of the definition of *transport authority*.

[8] Part 7, Division 3A Staff of Country Rail Infrastructure Authority

Omit the Division.

[9] Section 65 Definitions

Omit paragraph (g) of the definition of *transport authority*.

[10] Part 8, Division 3B Financial provisions relating to Country Rail Infrastructure Authority

Omit the Division.

[11] Section 81A Definition

Omit paragraph (f) of the definition of *Authority*.

[12] Section 88A Definitions

Omit “, the Country Rail Infrastructure Authority” from the definition of *rail authority*.

[13] Section 88G Severance of rail infrastructure facilities and from leased or licensed land

Omit “the Country Rail Infrastructure Authority” wherever occurring in section 88G (1) and (2).

Insert instead “TfNSW”.

[14] Section 89 Definitions

Omit “the Country Rail Infrastructure Authority,” from the definition of *rail authority*.

[15] Section 107 Definition of “transport authority”

Omit paragraph (c3) of the definition of *transport authority* in section 107 (1).

[16] Section 109 Seals of Authorities

Omit paragraph (f) of the definition of **Authority** in section 109 (2).

[17] Section 112 Personal liability of certain persons

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

[18] Section 122 Definitions

Omit “, the Country Rail Infrastructure Authority” from the definition of **rail authority**.

[19] Schedule 2 Provisions relating to Chief Executives

Omit paragraph (f) of the definition of **Chief Executive** in clause 1.

[20] Schedule 5 Extended leave for certain staff

Omit paragraph (f) of the definition of **Authority** in clause 2.

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

Omit “the Country Rail Infrastructure Authority” from paragraph (a).

[22] Schedule 6A, clause 2 Country Rail Infrastructure Authority’s rail infrastructure facilities

Omit the clause.

[23] Schedule 6A, clauses 2C (4), 2D (2) and 13A (1), (2), (5) and (7)

Omit “the Country Rail Infrastructure Authority” wherever occurring.

Insert instead “TfNSW”.

[24] Schedule 6A, clause 13

Omit the clause.

[25] Schedule 6A, clause 13A (4)

Omit “or the Country Rail Infrastructure Authority”.

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

Omit “the Country Rail Infrastructure Authority,” from the definition of **rail authority** in clause 1 (1).

[27] Schedule 7 Savings, transitional and other provisions

Insert at the end of Part 20 (as inserted by Schedule 1 to this Act) with appropriate

Division and clause numbering:

Division Provisions consequent on abolition of CRIA

Abolition of CRIA

- (1) The Country Rail Infrastructure Authority is abolished.
- (2) The assets, rights and liabilities of the Country Rail Infrastructure Authority are, on the abolition of the Authority, transferred to Transport for NSW.
- (3) Schedule 4 applies to the transfer of the assets, rights and liabilities of the Country Rail Infrastructure Authority 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) 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 Country Rail Infrastructure Authority is to be construed as a reference to Transport for New South Wales.

4.2 Electricity (Consumer Safety) Act 2004 No 4

Section 3 Definitions

Omit paragraph (b) of the definition of *electricity supply authority* in section 3 (1).

4.3 First State Superannuation Act 1992 No 100

Schedule 1 Employers

Omit "Country Rail Infrastructure Authority".

4.4 Public Finance and Audit Act 1983 No 152

Schedule 2 Statutory bodies

Omit "Country Rail Infrastructure Authority".

4.5 Public Sector Employment and Management Act 2002 No 43

[1] Section 63 Definitions

Omit "or the Country Rail Infrastructure Authority" from section 63 (2) (a1).

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

Omit "Chief Executive of the Country Rail Infrastructure Authority" from Part 2.

4.6 State Authorities Non-contributory Superannuation Act 1987 No

212

Schedule 1 Employers

Omit “Country Rail Infrastructure Authority” from Part 1.

4.7 State Authorities Superannuation Act 1987 No 211

Schedule 1 Employers

Omit “Country Rail Infrastructure Authority” from Part 1.

4.8 Superannuation Act 1916 No 28

Schedule 3 List of employers

Omit “Country Rail Infrastructure Authority” from Part 1.

Schedule 5 Consequential and other amendments

5.1-5.37

(Repealed)

5.38 Public Sector Employment and Management Act 2002 No 43

[1]-[5] (Repealed)

[6] Schedule 1, Part 3

Omit the matter relating to the Transport Special Services Group, Department of Transport.

[7], [8] (Repealed)

5.39-5.61

(Repealed)