

Transport Administration Amendment (Transport Entities) Act 2017 No 12

[2017-12]



New South Wales

Status Information

Currency of version

Historical version for 2 July 2017 to 30 June 2018 (accessed 25 November 2024 at 8:13)

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Provisions in force

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

Notes—

- **Does not include amendments by**
[Transport Administration Amendment \(Sydney Metro\) Act 2018 No 18](#) (not commenced — to commence on 1.7.2018)
- **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 Administration Amendment (Transport Entities) Act 2017 No 12



New South Wales

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Transport Administration Amendment (Transport Entities) Act 2017 No 12



New South Wales

An Act to amend the *Transport Administration Act 1988* to convert Rail Corporation New South Wales into a State owned corporation; to make further provision for the functions, management and status of NSW Trains and Sydney Trains; to establish a Residual Transport Corporation; and for related purposes.

1 Name of Act

This Act is the *Transport Administration Amendment (Transport Entities) Act 2017*.

2 Commencement

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

Schedule 1 (Repealed)

Schedule 2 Amendment of legislation relating to conversion of RailCorp to Transport Asset Holding Entity

2.1 Transport Administration Act 1988 No 109

[1] Section 3 Definitions

Omit "RailCorp," from the definition of **public transport agency** in section 3 (1).

[2] Section 3 (1), definition of "rail infrastructure owner"

Insert in appropriate order:

(a3) in the case of any rail infrastructure facilities owned by TAHE or vested in TAHE by or under this or any other Act, TAHE, or

[3] Section 3 (1)

Omit the definition of **RailCorp**. Insert in alphabetical order:

board of TAHE, means the board of directors of TAHE.

listed functions of TAHE—see section 11 (1).

SOC Act means the *State Owned Corporations Act 1989*.

TAHE means Transport Asset Holding Entity of New South Wales constituted under Part 2.

voting shareholders of TAHE, means the voting shareholders within the meaning of the SOC Act.

[4] Section 3B Ministerial responsibility and delegation

Omit section 3B (1) (a).

[5] Section 3G Directions by TfNSW to public transport agencies

Omit section 3G (1) (a).

[6] Part 2

Omit the Part. Insert instead:

Part 2 Transport Asset Holding Entity

Division 1 Constitution and management of Transport Asset Holding Entity

4 Establishment of Transport Asset Holding Entity

- (1) The corporation constituted under section 4 immediately before its substitution by the *Transport Administration Amendment (Transport Entities) Act 2017* is continued by this section with the corporate name of Transport Asset Holding Entity of New South Wales.
- (2) On and from the commencement of this section:
 - (a) the corporate name of Rail Corporation New South Wales is changed to Transport Asset Holding Entity of New South Wales, and
 - (b) that body, for all purposes (including the rules of private international law), continues in existence under its new name so that its identity is not affected.

Note—

The SOC Act provides that Transport Asset Holding Entity is a statutory State owned corporation and also contains a number of provisions that apply to TAHE as a statutory State owned corporation. In particular:

- (a) Part 3 contains provisions relating to the status of TAHE, the application of the *Corporations Act 2001* of the Commonwealth, the issue of shares to the Treasurer and another Minister, the board of directors, the chief executive officer, the employment of staff, the giving of directions by the portfolio Minister (including directions for the performance of non-commercial activities or the carrying out of public sector policies), the constitution of TAHE, dividends and tax-equivalent payments, government guarantees, the sale or disposal of assets and the legal capacity and general powers of TAHE, and
- (b) Part 4 deals with the accountability of TAHE (including statements of corporate intent, annual reports and accounts), and
- (c) Part 5 deals with miscellaneous matters (including the duties and liabilities of directors and the application of public sector legislation).

5 Foundation charter of TAHE

- (1) For the purposes of the SOC Act, the foundation charter of TAHE is this Part (but not the remainder of this Act).

Note—

Section 3 of the SOC Act defines the **foundation charter** of a statutory State owned corporation (**SOC**) as the whole of any Act by which a SOC is established for the purposes of the SOC Act and, in particular, for the purposes of the provisions relating to the legal capacity of statutory SOCs and assumptions that they have complied with that Act and their foundation charter.

- (2) Nothing in this section limits the operation of section 4.

6 Board of directors

- (1) TAHE is to have a board of directors.
- (2) The board is to consist of:
 - (a) no fewer than 3 and not more than 7 directors appointed by the voting shareholders, and
 - (b) the Transport Secretary.
- (3) The directors appointed under subsection (2) (a) are to be persons who, in the opinion of the voting shareholders, will assist TAHE to achieve its principal objectives.
- (4) One of the directors is, in and by the director's instrument of appointment or in and by another instrument executed by the voting shareholders, to be appointed as chairperson of the board.
- (5) The chief executive officer may be appointed as a director.
- (6) The board is accountable to the voting shareholders in the manner set out in Part 4 of the SOC Act and in the constitution of TAHE.
- (7) The voting shareholders may remove a director (other than the Transport Secretary), or the chairperson, from office at any time for any or no reason and

without notice and, in that event, the office of the director or chairperson is taken to have become vacant for the purposes of Schedule 8 to the SOC Act.

Note—

For example, the voting shareholders may remove a director, or the chairperson, from office if TAHE contravenes its operating licence.

- (8) Subject to subsections (9)–(11), Schedule 8 to the SOC Act has effect with respect to the constitution and procedure of the board.
- (9) The provisions of section 20J of the SOC Act, and of clauses 2 (1) and (2) and 7 (1) (d) and (2) of Schedule 8 to the SOC Act, do not apply to TAHE or to the chairperson.
- (10) The provisions of clause 6 of Schedule 8 to the SOC Act do not apply to the chief executive officer if appointed as a director, and the chief executive officer is not entitled to remuneration under that clause in his or her capacity as a director.
- (11) The provisions of clauses 5–9 of Schedule 8 to the SOC Act do not apply to the Transport Secretary in his or her capacity as a director.

7 Chief executive officer

- (1) The chief executive officer of TAHE is to be appointed by the board but only with the approval of the voting shareholders.
- (2) Subject to this section, the chief executive officer holds office for such term not exceeding 5 years as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.
- (3) The Governor, on the recommendation of the Minister, may remove the chief executive officer of TAHE from office at any time for any or no reason and without notice. Such a removal cannot be effected unless it is recommended by the board.
- (4) The chief executive officer is entitled to be paid such remuneration (including travelling and subsistence allowances) as the board may determine with the approval of the voting shareholders.
- (5) The board may, with the approval of the voting shareholders, fix the conditions of employment of the chief executive officer in so far as they are not fixed by or under any other Act or law.
- (6) The board may require the chief executive officer to enter into performance agreements.
- (7) The chief executive officer may delegate any functions of the chief executive

officer to an employee of TAHE, but this power is subject to any directions of the board.

- (8) The *Government Sector Employment Act 2013* (Part 6 included) does not apply to the chief executive officer.
- (9) The provisions of section 20K of the SOC Act, and of Schedule 9 to that Act, do not apply to the chief executive officer.

8 Acting chief executive officer

- (1) The board may, from time to time, appoint a person to act in the office of chief executive officer during the illness or absence of the chief executive officer.
- (2) The board may remove a person from office as acting chief executive officer, at any time, for any or no reason and without notice.
- (3) A person, while acting in the office of chief executive officer:
 - (a) has all the functions of the chief executive officer and is taken to be the chief executive officer, and
 - (b) is entitled to be paid such remuneration (including travelling and subsistence allowances) as the board may determine with the approval of the voting shareholders.
- (4) For the purposes of this section, a vacancy in the office of a chief executive officer is regarded as an absence from office.
- (5) Clause 5 of Schedule 9 to the SOC Act does not apply to an acting chief executive officer of TAHE.
- (6) On and from the SOC conversion day until the first meeting of the board, the voting shareholders may, from time to time, appoint a person to act in the office of chief executive officer until a chief executive officer (or acting chief executive officer) is appointed by the board.

9 Application of SOC Act

The provisions of this Part are in addition to and do not (except to the extent to which this Part provides) derogate from the provisions of the SOC Act.

Division 2 Objectives and functions of Transport Asset Holding Entity

10 Objectives of TAHE

- (1) The principal objectives of TAHE are as follows:

- (a) to undertake its activities in a safe and reliable manner,
 - (b) to be a successful business and, to this end:
 - (i) to operate at least as efficiently as any comparable businesses, and
 - (ii) to maximise the net worth of the State's investment in TAHE,
 - (c) to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates,
 - (d) where its activities affect the environment, to conduct its operations in compliance with the principles of ecologically sustainable development contained in section 6 (2) of the *Protection of the Environment Administration Act 1991*,
 - (e) to exhibit a sense of responsibility towards regional development and decentralisation in the way in which it operates.
- (2) Each of the principal objectives of TAHE is of equal importance.
- (3) The provisions of section 20E of the SOC Act do not apply to TAHE.

11 Functions of TAHE

- (1) For the purposes of this Act, the **listed functions** of TAHE are as follows:
- (a) to hold, manage, operate and maintain transport assets vested in or owned by it, or to be vested in or owned by it,
 - (b) to establish, finance, acquire, construct and develop transport assets to be vested in or owned by it,
 - (c) to promote and facilitate access to the part of the NSW rail network vested in or owned by TAHE in accordance with any current NSW rail access undertaking or otherwise lease or make available transport assets vested in or owned by TAHE to other persons or bodies,
 - (d) to acquire and develop land for the purpose of enabling TAHE to carry out its other functions (including the acquisition of land under section 12).
- (2) TAHE may:
- (a) provide facilities or services that are necessary, ancillary or incidental to its listed functions, and
 - (b) conduct any business or activity (whether or not related to its listed functions) that it considers will further its objectives.
- (3) However, the listed functions of TAHE and its functions under subsection (2) may

only be exercised under the authority of, and in accordance with, one or more operating licences.

(4) TAHE also has such other functions as may be conferred or imposed on it:

(a) by or under any other Act or law, or

(b) by an operating licence.

(5) Nothing in this Act requires the authorisation of an operating licence for the exercise of a function that is conferred or imposed on TAHE by or under any other Act or law.

12 Acquisition of land by TAHE

(1) TAHE may, for any purposes of TAHE, 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 subsection (1) include for the purposes of a future sale, lease or disposal, that is, to enable TAHE to exercise its functions in relation to land under this Act.

(3) For the purposes of the *Public Works and Procurement Act 1912*, any such acquisition of land is taken to be an authorised work and TAHE is, in relation to that authorised work, taken to be the Constructing Authority.

(4) TAHE may not give a proposed acquisition notice under the *Land Acquisition (Just Terms Compensation) Act 1991* without the approval of the Minister.

(5) Any such acquisition is not void merely because it is expressed to be for the purposes of TAHE or for the purposes of this Act.

(6) Part 3 of the *Public Works and Procurement Act 1912* does not apply in respect of works constructed for the purposes of this section.

Note—

Section 20X of the SOC Act prohibits the acquisition of certain fixed assets by a statutory State owned corporation or any of its subsidiaries without the prior written approval of its voting shareholders.

Division 3 Operating licences

13 Grant of operating licences

(1) The Minister may grant one or more operating licences to TAHE to authorise it, in accordance with this Act, to carry out the listed functions specified in the licence, and such other functions as may be conferred or imposed on it by the licence, in the circumstances (if any) specified in the licence.

Note—

Section 11 (5) provides that nothing in this Act requires the authorisation of an operating licence for the exercise of a function that is conferred or imposed on TAHE by or under a provision of this Act (other than section 11) or by or under any other Act or law.

- (2) If TAHE is granted more than one operating licence, each operating licence must specify the functions to which it relates and the areas or circumstances (or both) in which those functions may be exercised under the authority of that licence.
- (3) Except to the extent to which this Act expressly provides, nothing in an operating licence limits the requirements imposed by or under any other Act or law with respect to the functions referred to in subsection (1).
- (4) An operating licence may authorise TAHE to carry out any of its functions outside of the State.
- (5) In this section, ***listed functions*** of TAHE include functions under section 11 (2).

14 Terms and conditions of operating licence

- (1) An operating licence is subject to the terms and conditions determined by the Minister.
- (2) Without limiting subsection (1), an operating licence may include terms or conditions dealing with the following matters:
 - (a) compliance by TAHE with network and asset standard requirements issued from time to time by TfNSW,
 - (b) a pricing regime or structure relating to assets leased or to which access is made available by TAHE,
 - (c) arrangements under which TAHE assets are leased or to which access is made available,
 - (d) safety integrity,
 - (e) integration of transport modes,
 - (f) transport services which TAHE is permitted or not permitted to operate itself,
 - (g) capital works programs, procurement and asset lifecycle (including maintenance or maintenance outsourcing),
 - (h) businesses and activities conducted outside the State,
 - (i) development, use or disposal of TAHE's real property or transport infrastructure.

Note—

In the case where TAHE has been granted more than one operating licence, section 13 (2) requires each operating licence to specify the functions of TAHE to which the licence relates and the circumstances (or both) in which those functions may be exercised under the authority of that licence.

15 Amendment of operating licence

- (1) The Minister may:
 - (a) amend an operating licence (including by adding, altering or omitting functions authorised by the licence or areas or circumstances in which such functions may be exercised under the authority of the licence), or
 - (b) substitute an operating licence, or
 - (c) impose, amend or revoke conditions of the operating licence.
- (2) The Minister is to consult with TAHE before exercising a function under subsection (1).

16 Term of operating licence

- (1) The term of an operating licence is to be for the period determined by the Minister.
- (2) The Minister may renew an operating licence.
- (3) An operating licence may be renewed even if its term has expired.

17 Contravention of operating licence

- (1) If, in the opinion of the Minister, TAHE contravenes an operating licence, the Minister may cause a notice to be served on TAHE requiring it to rectify the contravention within a specified period.

Note—

See also section 6 (7)—the voting shareholders may remove a director, or the chairperson, from office at any time for any reason, including for example, for the reason that TAHE has contravened its operating licence.

- (2) If, in the opinion of the Minister, TAHE contravenes an operating licence, and whether or not a notice has been served under subsection (1) or the period specified in the notice has ended, the Minister may direct that TAHE is to pay a monetary penalty of an amount to be determined, subject to the regulations, by the Minister.
- (3) The fact that the Minister has directed that action be taken under this section does not prevent the Minister directing that the same or other action under this

section be taken if the contravention continues or a fresh contravention occurs.

- (4) An operating licence may make provision for advice to be provided to the Minister in connection with the exercise of the Minister's functions under this section.
- (5) A penalty imposed under this section may be recovered in any court of competent jurisdiction as if it were a debt due to the State.

18 Cancellation of operating licence

- (1) An operating licence of TAHE may be cancelled only in the circumstances specified by this section.
- (2) The Minister may cancel an operating licence of TAHE if TAHE ceases for any or no reason, otherwise than as authorised by the operating licence, to carry out the functions of TAHE to which the licence relates in accordance with the operating licence.
- (3) The Minister may cancel any or all of the operating licences of TAHE if:
 - (a) TAHE:
 - (i) is, in the opinion of the Minister, in material default in complying with any operating licence, viewed in terms of the operation of the operating licence as a whole, and
 - (ii) has not, within the time specified by the Minister in a notice to TAHE, either rectified the default or shown cause, to the satisfaction of the Minister, why the operating licence should not be cancelled, or
 - (b) TAHE has been convicted on more than 3 occasions within a period of 12 months of offences that are punishable by a fine of at least \$10,000 or, if TAHE were a natural person, imprisonment for 12 months or more.
- (4) A notice under section 17 (1) can also be regarded as a notice for the purposes of subsection (3) (a) (ii).
- (5) If an operating licence is cancelled under this section, the Minister may, by order published in the Gazette, transfer to the State or a public or local authority (as specified in the order), from a date specified in the order, such of the assets and rights of TAHE that are specified in the order and that, in the opinion of the Minister, are necessary to enable the State or the public or local authority to exercise such of the functions exercisable (or formerly exercisable) by TAHE as appear to be necessary in the public interest.
- (6) An order under this section may also provide for:

- (a) the State or a public or local authority to assume those liabilities of TAHE that the Minister considers appropriate and specifies in the order, or
 - (b) the State or a public or local authority to discharge the whole or any part of the liabilities of TAHE.
- (7) Schedule 4 applies to any transfer of assets or rights or any assumption of liabilities under this section in the same way as it applies to a transfer of assets, rights or liabilities under an order to which that Schedule applies.
- (8) In this section, **assets**, **rights** and **liabilities** have the same meanings as those terms have in Schedule 4.

[7] Section 36C Other functions of Sydney Trains (as inserted by Schedule 1.1 [14])

Insert “TAHE,” before “RTC” in section 36C (2) (e).

[8] Section 37C Other functions of NSW Trains (as inserted by Schedule 1.1 [14])

Insert “TAHE,” before “RTC” in section 37C (2) (e).

[9] Section 42A Definitions

Omit “RailCorp” from paragraph (a) of the definition of **transport authority**.

Insert instead “TAHE”.

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

Omit section 55A (b).

[11] Part 7, Division 1A Staff of RailCorp

Omit the Division.

[12] Section 65 Definitions

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

[13] Section 68C Employment in the Transport Service (as amended by Schedule 1.1 [19])

Omit section 68C (2) and note. Insert instead:

- (2) The Government of New South Wales may also employ persons in the Transport Service to enable Sydney Trains, NSW Trains or RTC (or a public subsidiary corporation of Sydney Trains, NSW Trains or RTC) to exercise their functions.

Note—

NSW Trains and Sydney Trains also have the power to employ staff separately (see sections 64A and 64D for Sydney Trains and NSW Trains, respectively). Staff employed by Sydney Trains and NSW Trains are not

employed in the Transport Service.

[14] Section 68Q Miscellaneous provisions relating to the Transport Service

Omit “RailCorp,” wherever occurring in section 68Q (5) and (6).

[15] Section 68Q (10) (d)

Omit the paragraph.

[16] Part 8, Division 1 Financial provisions relating to RailCorp

Omit the Division.

[17] Section 81A Definition

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

[18] Part 8, Division 5, heading

Omit “**RailCorp**,”

[19] Section 84 Definitions

Omit “NSW Trains or RailCorp” from the definition of **Authority**.

Insert instead “or NSW Trains”.

[20] Section 85 Orders fixing charges

Omit section 85 (1).

[21] Section 85 (3)

Omit “RailCorp,”.

[22] Section 88A Definitions

Omit “RailCorp” from the definition of **rail authority**. Insert instead “TAHE”.

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

Omit “RailCorp” wherever occurring in section 88G (1) and (2). Insert instead “TAHE”.

[24] Section 89 Definitions

Omit “RailCorp” from the definition of **rail authority**. Insert instead “TAHE”.

[25] Section 89, definition of “State rail operator”

Omit “RailCorp”. Insert instead “TAHE”.

[26] Section 94 Transfers of assets, rights and liabilities

Insert after section 94 (9) (as inserted by Schedule 1.1 [36]):

(10) The Minister may make an order under this section that transfers assets, rights or liabilities to or from TAHE only with the consent of TAHE.

[27] Section 107 Definition of “transport authority”

Omit section 107 (1) (a).

[28] Section 109 Seals of Authorities

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

[29] Section 112 Personal liability of certain persons

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

[30] Section 115 Recovery of charges etc by transport authority

Insert “and TAHE” after “RTC” in section 115 (2) (as inserted by Schedule 1.1 [43]).

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

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

Insert instead “TAHE”.

[32] Schedule 1 Functions of Transport for NSW

Insert “TAHE,” after “shared services to” in clause 1 (i).

[33] Schedule 1, clause 1 (i)

Insert “TAHE,” after “deployment of staff to”.

[34] Schedule 1, clause 4A (4)

Omit “RailCorp” from paragraph (a) of the definition of **transport authority**.

Insert instead “TAHE”.

[35] Schedule 1, clause 5 (7) (as inserted by Schedule 1.1 [48])

Insert “and TAHE” after “RTC”.

[36] Schedule 2 Provisions relating to Chief Executives

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

[37] Schedule 4 Transfer of assets, rights and liabilities

Insert after clause 13 (4) (as inserted by Schedule 1.1 [53]):

(5) This clause does not apply to any transfer to or from TAHE.

[38] Schedule 4, clause 14 (1) (as inserted by Schedule 1.1 [53])

Omit the subclause. Insert instead:

(1) This clause applies to the following transfers under an order to which this Schedule applies:

- (a) a transfer to TfNSW, TAHE or RTC,
- (b) a transfer from TfNSW or TAHE to a public transport agency.

[39] Schedule 5 Extended leave for certain staff

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

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

Omit "RailCorp" from paragraph (a) of the definition of **rail authority** in clause 1.

Insert instead "TAHE".

[41] Schedule 6A, clause 1B (2)

Omit "RailCorp". Insert instead "TAHE".

[42] Schedule 6A, clause 2B

Omit the clause.

[43] Schedule 6A, clause 2C (4)

Omit "RailCorp". Insert instead "TAHE".

[44] Schedule 6A, clause 10

Omit the clause.

[45] Schedule 6A, clause 13A (4) and (4A)

Omit clause 13A (4). Insert instead:

(4) Sydney Trains and NSW Trains may not give a proposed acquisition notice under the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) without the approval of the

Transport Secretary.

(4A) TAHE may not give a proposed acquisition notice under the *Land Acquisition (Just Terms Compensation) Act 1991* without the approval of the Minister.

[46] Schedule 6A, clause 13A (9) (as inserted by Schedule 1.1 [63])

Omit “RailCorp”. Insert instead “TAHE”.

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

Omit “RailCorp” from the definition of *rail authority* in clause 1 (1).

Insert instead “TAHE”.

[48] Schedule 7 Savings, transitional and other provisions

Insert at the end of the Schedule, with appropriate Part and clause numbering:

Part Provisions relating to TAHE

After SOC conversion day references to RailCorp may be deemed not to be references to TAHE

Despite section 53 of the *Interpretation Act 1987*, the regulations may provide that, on and from SOC conversion day, a specified reference in an Act (other than this Act) or instrument, or in another document, to RailCorp is not taken to be a reference to TAHE.

Note—

Section 53 of the *Interpretation Act 1987* provides that if an Act alters the name of a body:

- (a) the body continues in existence under its new name so that its identity is not affected, and
- (b) a reference in any Act or instrument, or in any other document, to the body under its former name shall, except in relation to matters that occurred before the alteration took place, be read as a reference to the body under its new name.

Timetable for first statement of corporate intent

A period within which any matter is required to be done under section 21 of the *State Owned Corporations Act 1989* in connection with the first statement of corporate intent of TAHE may be extended by the voting shareholders of TAHE, but any such period of extension is not to exceed 3 months.

Exemption from State taxes for TAHE as a SOC for 12 months

- (1) State tax is not chargeable in respect of any of the following:
 - (a) land owned by, or leased to, TAHE and used primarily for railway purposes

(other than land subject to a lease or licence by TAHE to another person other than a public transport agency),

- (b) any other matter or thing done by TAHE in the exercise of its functions.
- (2) TAHE is not liable for payment of the parking space levy under the *Parking Space Levy Act 2009* in respect of any premises owned by, or leased to, TAHE (other than premises subject to a lease or licence by TAHE to another person).
- (3) Subclauses (1) and (2) have effect for the period of 12 months commencing on the SOC conversion day.
- (4) The regulations under this Act may, on the recommendation of the Minister and with the approval of the Treasurer, provide that State tax is not chargeable in respect of any matter or thing, or classes of matters or things, prescribed by the regulations and done by TAHE in the exercise of its functions after the end of that period.
- (5) The provisions of this clause are in addition to and do not derogate from the provisions of the *State Owned Corporations Act 1989*.

(6) In this clause:

railway purposes includes the following:

- (a) the operation and maintenance of the NSW rail network,
- (b) stations and platforms,
- (c) office buildings used in association with railway purposes,
- (d) rolling stock maintenance facilities,
- (e) freight centres and depots,
- (f) related facilities,
- (g) purposes ancillary to other purposes set out in this definition.

State tax means duty under the *Duties Act 1997* or any other tax, duty, rate, fee or other charge imposed by or under any Act or law of the State, other than payroll tax and the fire and emergency services levy under the *Fire and Emergency Services Levy Act 2017*.

[49] Schedule 8 SRA Residual Holding Corporation

Omit "RailCorp," from clause 11 (1).

2.2 Coastal Management Act 2016 No 20

Section 4 Definitions

Omit paragraph (c) of the definition of **electricity supply authority** in section 4 (1).

2.3 Impounding Act 1993 No 31

[1] Dictionary

Omit the matter relating to Rail Corporation New South Wales from the definition of **area of operations**.

Insert instead:

- in the case of an impounding officer appointed by Transport Asset Holding Entity of New South Wales, land owned by or under the control of Transport Asset Holding Entity of New South Wales,

[2] Dictionary, definition of “impounding authority”

Omit the matter relating to Rail Corporation New South Wales.

Insert instead:

- Transport Asset Holding Entity of New South Wales,

2.4 Liquor Act 2007 No 90

Section 6 Exemptions from Act

Omit “Rail Corporation New South Wales,” from section 6 (1) (a).

2.5 Local Government Act 1993 No 30

[1] Section 555 What land is exempt from all rates?

Insert after section 555 (1) (g1):

(g2) land that is vested in or owned by Transport Asset Holding Entity of New South Wales and in, on or over which rail infrastructure facilities (within the meaning of the *Transport Administration Act 1988*) are installed,

[2] Section 600 Rebates in respect of certain land vested in public bodies

Omit “Rail Corporation New South Wales” from the definition of **public body** in section 600 (9).

Insert instead “Transport Asset Holding Entity of New South Wales”.

[3] Section 742 Dispute resolution

Omit the matter relating to Rail Corporation New South Wales from section 742 (7).

Insert instead:

- Transport Asset Holding Entity of New South Wales

2.6 Public Finance and Audit Act 1983 No 152

Schedule 2 Statutory bodies

Omit “Rail Corporation New South Wales”.

2.7 Railway Construction (Maldon to Port Kembla) Act 1983 No 112

Section 2 Interpretation

Insert “and the Transport Asset Holding Entity of New South Wales” after “Transport for NSW” in the definition of **the Authority** in section 2 (1).

2.8 Roads Act 1993 No 33

Section 211

Omit the section. Insert instead:

211 Contributions to RMS by Transport Asset Holding Entity and State Transit Authority

Transport Asset Holding Entity of New South Wales and the State Transit Authority must pay such amounts to RMS as RMS determines from time to time as contributions in relation to:

- (a) in the case of Transport Asset Holding Entity of New South Wales—the movement of rolling stock over railway lines vested in or owned by that corporation on the Sydney Harbour Bridge, and
- (b) in the case of the State Transit Authority—the carriage of passengers across the Sydney Harbour Bridge.

2.9 State Owned Corporations Act 1989 No 134

Schedule 5 Statutory SOCs

Insert at the end of the Schedule:

Transport Asset Holding Entity of New South Wales