

Transport Administration Amendment (Independent Transport Safety Regulator) Act 2017 No 4

[2017-4]



New South Wales

Status Information

Currency of version

Repealed version for 1 March 2017 to 31 March 2017 (accessed 28 November 2024 at 20:51)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

This Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 1.4.2017.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 April 2017

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Transport Administration Amendment (Independent Transport Safety Regulator) Act 2017 No 4



New South Wales

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

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.