



New South Wales

Transport Administration Amendment Bill 2010

Explanatory note

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

Overview of Bill

The object of this Bill is to establish a new framework for the administration and governance of the delivery of transport services and infrastructure by public transport agencies (such as RailCorp, RTA, the State Transit Authority and Sydney Ferries) under the general direction of the Director-General of Transport NSW. For that purpose, the Bill:

- (a) confers on the Director-General of Transport NSW (which is currently known as the Department of Transport and Infrastructure) specific functions in relation to such matters as transport planning and policy, the administration of the allocation of public funding for public transport agencies, transport infrastructure, contracting for the delivery of public transport services, transport services co-ordination, incident management and the provision and deployment of staff to public transport agencies, and
- (b) enables the Director-General, for the purposes of exercising his or her functions, to give directions to public transport agencies and provides that the chief executive of a public transport agency is to manage the affairs of the agency in accordance with any directions of the Director-General, and

- (c) consequently abolishes the Boards of management of various public transport agencies, and
- (d) changes the Transport Infrastructure Development Corporation (TIDC) and the Rail Infrastructure Corporation (RIC) from State owned corporations to statutory corporations having structures, accountabilities and staffing arrangements similar to RailCorp and Sydney Ferries, and
- (e) renames TIDC as the Transport Construction Authority and RIC as the Country Rail Infrastructure Authority, and
- (f) retains the Independent Transport Safety and Reliability Regulator (which will be renamed the Independent Transport Safety Regulator as a consequence of the changes made by the proposed Act) as the independent regulator for rail and other transport safety and also enables the Director-General to obtain assistance from the ITSr for his or her passenger safety responsibilities under the *Passenger Transport Act 1990*, and
- (g) provides for the review by the ITSr (or by the Maritime Authority of NSW in the case of ferry services) of directions of the Director-General that may affect the safety management systems of certain transport authorities, and
- (h) provides for the abolition of the Public Transport Ticketing Corporation and Sydney Metro as statutory corporations, but provides for their temporary continuation for the purposes of managing their existing assets, rights and liabilities, and
- (i) consolidates and rationalises various provisions of the *Transport Administration Act 1988 (TA Act)* as a consequence of the new framework for the governance of the delivery of transport services and infrastructure by public transport agencies, and
- (j) makes amendments of a consequential, minor or administrative nature to various other Acts and legislation.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day or days to be appointed by proclamation.

Schedule 1 Principal amendments

Schedule 1.1 Transport Administration Act 1988 No 109

Schedule 1.1 [1] provides for the objects of the TA Act in so far as they relate to the administration of the transport services provided to the people of NSW.

Schedule 1.1 [2] and [3] define the terms *Director-General* and *Transport NSW* for the purposes of the TA Act.

Schedule 1.1 [4] consolidates the existing provisions of the TA Act relating to Ministerial control over the chief executives of public transport agencies and the Director-General in the exercise of their functions.

Schedule 1.1 [5] confers on the Director-General general functions in relation to transport planning and policy, transport public funding, transport infrastructure, contracting for the delivery of transport services, transport services co-ordination, incident management, transport information, provision and deployment of transport agency staff and services, ticketing for transport services and precinct land planning. The Director-General also continues to have functions in relation to the provision of light rail services and under the *Passenger Transport Act 1990* (as well as under other legislation).

Schedule 1.1 [5] also enables the Director-General to give directions to the various public transport agencies for the purposes of exercising his or her functions. The amendments made by **Schedule 1.1 [8], [13], [16] and [20]** require the Chief Executives of RailCorp, STA, Sydney Ferries and RTA (in addition to the proposed Transport Construction Authority and renamed Country Rail Infrastructure Authority) to exercise their functions of managing the affairs of the agency concerned in accordance with any such directions of the Director-General. Public transport agencies will also be required to provide budget and other information to enable the Director-General to exercise his or her functions. The Director-General will also be able to delegate his or her functions in the usual manner.

Schedule 1.1 [5] also provides for the review, by either the Independent Transport Safety Regulator (in the case of directions relating to rail services or infrastructure or to bus services if an arrangement under proposed section 6B of the *Passenger Transport Act 1990* is in place) or by the Maritime Authority of NSW (in the case of directions relating to ferry services), of directions of the Director-General to a transport authority that may impact on the safety management system of the transport authority. Such a review may be requested by either the Director-General or by the transport authority concerned and the request operates to suspend the direction. As a result of the review by the relevant safety regulator, the Director-General may confirm, change or revoke the direction.

Schedule 1.1 [6] abolishes the boards of directors of RailCorp, STA and Sydney Ferries.

Schedule 1.1 [7], [12], [15] and [19] provide for the Director-General, with the approval of the Minister, to appoint the Chief Executives of RailCorp, STA, Sydney Ferries and RTA. The Director-General will also appoint the Chief Executives of the renamed Transport Construction Authority and Country Rail Infrastructure Authority.

Schedule 1.1 [9] transfers from the Minister to the Director-General functions relating to the corporate plans of RailCorp, STA and Sydney Ferries.

Schedule 1.1 [10], [11], [14] and [17] make consequential amendments.

Schedule 1.1 [18] establishes a Transport Advisory Council to advise the Minister and Director-General. The new advisory council will replace the existing Transport Advisory Group and the Roads and Traffic Advisory Council.

Schedule 1.1 [21] consolidates existing provisions that enable transport authorities (including the proposed newly renamed authorities and the Director-General) to exercise functions through public subsidiary corporations constituted by the regulations, private subsidiary corporations or joint ventures or partnerships with the private sector.

Schedule 1.1 [22] makes specific provision to enable the Director-General, by order, to transfer staff from one transport authority to another transport authority, subject to the preservation of existing remuneration and other conditions of employment on transfer.

Schedule 1.2 Public Sector Employment and Management Act 2002 No 43

Schedule 1.2 changes the name of the Department of Transport and Infrastructure to Transport NSW (which will continue as a Department of the Public Service with the Director-General as the Department Head). Schedule 1.2 also creates a branch of Transport NSW (known as the Transport Special Services Group) which will comprise staff of Transport NSW who are not subject to Chapter 2 of the *Public Sector Employment and Management Act 2002*.

Schedule 2 Amendments relating to Transport Construction Authority (formerly TIDC)

Schedule 2.1 contains the following amendments to the TA Act:

- (a) **Schedule 2.1 [3]** constitutes the Transport Construction Authority (which is a continuation of, and the same legal entity as, TIDC but which will not be a State owned corporation), specifies its functions (which are generally based on the present functions of TIDC) and provides for the appointment by the Director-General of a Chief Executive of the Authority who will be responsible for managing and controlling the affairs of the Authority in accordance with any directions of the Director-General.
- (b) **Schedule 2.1 [1], [2] and [7]–[12]** are consequential on the change of name from TIDC to the Transport Construction Authority (the *TCA*).
- (c) **Schedule 2.1 [4]** enables the ITSR to monitor, audit and carry out certain other functions in relation to the TCA.
- (d) **Schedule 2.1 [5]** enables the TCA to employ its own staff and provides that the staff are not part of the Government Service.
- (e) **Schedule 2.1 [6]** provides for the establishment of the Transport Construction Authority Fund and for the payment of money into and out of the Fund.

Schedule 2.2, 2.4, 2.5 and 2.7 amend superannuation legislation to replace references to TIDC with references to the TCA which will continue to be an employer for the purposes of that legislation.

Schedule 2.3 lists the TCA as a statutory body for the purposes of the *Public Finance and Audit Act 1983* (which also means the TCA will be subject to the usual auditing and annual reporting requirements).

Schedule 2.6 consequentially removes TIDC from the list of statutory State owned corporations under the *State Owned Corporations Act 1989*.

Schedule 3 Amendments relating to Country Rail Infrastructure Authority (formerly RIC)

Schedule 3.1 contains the following amendments to the TA Act:

- (a) **Schedule 3.1 [3]** constitutes the Country Rail Infrastructure Authority (which is a continuation of, and the same legal entity as, the Rail Infrastructure Corporation (RIC) but which will not be a State owned corporation), specifies its functions (which are based on the present functions of RIC) and provides for the appointment by the Director-General of a Chief Executive of the Authority who will be responsible for managing and controlling the affairs of the Authority in accordance with any directions of the Director-General.
- (b) **Schedule 3.1 [1], [2], [4] and [7]–[12]** are consequential on the change of name from RIC to the Country Rail Infrastructure Authority (*CRIA*).
- (c) **Schedule 3.1 [5]** enables CRIA to employ its own staff and provides that the staff are not part of the Government Service.
- (d) **Schedule 3.1 [6]** provides for the establishment of the Country Rail Infrastructure Authority Fund and for the payment of money into and out of the Fund.

Schedule 3.2 replaces a reference to RIC in the definition of *electricity supply authority* in the *Electricity (Consumer Safety) Act 2004* with a reference to CRIA.

Schedule 3.3, 3.5, 3.6 and 3.8 amend superannuation legislation to replace references to RIC with references to CRIA which will continue to be an employer for the purposes of that legislation.

Schedule 3.4 lists the CRIA as a statutory body for the purposes of the *Public Finance and Audit Act 1983* (which also means CRIA will be subject to the usual annual reporting requirements).

Schedule 3.7 removes RIC from the list of statutory State owned corporations under the SOC Act.

Schedule 3.9 is a consequential repeal.

Schedule 4 Amendments relating to Sydney Metro

Schedule 4.1 contains the following amendments to the TA Act:

- (a) **Schedule 4.1 [15]** continues Sydney Metro for the purposes of managing the remaining assets, rights and liabilities of Sydney Metro pending its final dissolution and provides for the Director-General to manage its affairs. Sydney Metro is to be dissolved on a date to be proclaimed by the Governor.
- (b) **Schedule 4.1 [1]–[14]** remove references to Sydney Metro from the TA Act.

Schedule 4.2–4.5 amend various Acts to remove references to Sydney Metro as a consequence of the amendments made by Schedule 4.1.

Schedule 5 Amendments relating to Public Transport Ticketing Corporation

Schedule 5.1 contains the following amendments to the TA Act:

- (a) **Schedule 5.1 [3]** continues the Public Transport Ticketing Corporation for the purposes of managing the remaining assets, rights and liabilities of the Corporation pending its final dissolution and provides for the Director-General to manage its affairs. The Public Transport Ticketing Corporation is to be dissolved on a date to be proclaimed by the Governor.
- (b) **Schedule 5.1 [1], [2] and [4]** remove references to the Public Transport Ticketing Corporation.

Schedule 5.2 abolishes the separate Division of the Government Service comprising the staff of the Public Transport Ticketing Corporation.

Schedule 6 Amendments relating to Independent Transport Safety and Reliability Regulator

Schedule 6.1 amends the TA Act to change the name of the regulator from the Independent Transport Safety and Reliability Regulator to the Independent Transport Safety Regulator (the *ITSR*) and to make consequential amendments.

Schedule 6.2 amends the *Passenger Transport Act 1990* to enable the Director-General to arrange for the *ITSR* to assist in the exercise of (or to exercise by way of delegation) the Director-General's passenger transport safety functions under that Act (such as assessing whether accredited bus service operators meet the relevant safety standards).

Schedule 6.3 and 6.4 contain amendments that are consequential on the change of name of the *ITSR*.

Schedule 7 Consequential and other amendments

Schedule 7.1 contains consequential and other amendments to the TA Act.

Schedule 7.2 provides for RailCorp to have the status of an electricity supply authority for the purposes of the *Electricity (Consumer Safety) Act 2004*.

Schedule 7.3 amends the *Local Government Act 1993* to exempt rail infrastructure facility land owned or vested in a public transport agency from being subject to local council rates.

Schedule 7.4 amends the *Passenger Transport Act 1990 (PTA)* to replace references relating to the Department of Transport and Infrastructure with references to Transport NSW. Schedule 7.4 also transfers, to the PTA, the provision in the TA Act that enables the Director-General to delegate his or her functions under the PTA.

Schedule 7.5 amends the list of Departments in Schedule 3 to the *Public Finance and Audit Act 1983* to replace a reference to the Department of Transport and Infrastructure with a reference to Transport NSW.

Schedule 7.6 amends the *Public Sector Employment and Management Act 2002*:

- (a) to provide that a branch of a Department is not part of the Public Service (ie subject to the requirements of Chapter 2 of that Act) if the branch is specified in Part 3 of Schedule 1 to that Act as a Special Employment Division (as a consequence of Schedule 1.2 which establishes the Transport Special Services Group as such a branch), and
- (b) to provide that the Director-General of Transport NSW is the employer of the chief executives of the various public transport agencies constituted under the TA Act and may determine their remuneration.

Schedule 7.7 repeals a provision of the *Public Sector Employment and Management (Departmental Amalgamations) Order 2009* relating to the transfer of certain staff of public transport agencies as the provision is now redundant because of the new transfer of staff provisions to be inserted in the TA Act by the proposed Act.



New South Wales

Transport Administration Amendment Bill 2010

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New South Wales

Transport Administration Amendment Bill 2010

No. , 2010

A Bill for

An Act to amend the *Transport Administration Act 1988* to make further provision with respect to the administration of public transport in New South Wales; 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 Act 2010</i> .	3
2 Commencement	4
This Act commences on a day or days to be appointed by proclamation.	5

Schedule 1	Principal amendments	1
1.1	Transport Administration Act 1988 No 109	2
[1]	Section 2A	3
	Insert after section 2:	4
	2A Objects of Act	5
	The objects of this Act with respect to the administration of the	6
	transport services provided to the people of New South Wales	7
	include the following:	8
	(a) to provide an efficient and accountable framework for the	9
	governance of the delivery of transport services,	10
	(b) to enable strategic directions to be set for integrated	11
	transport services,	12
	(c) to enable effective planning and delivery of transport	13
	infrastructure and services,	14
	(d) to facilitate the mobilisation and prioritisation of key	15
	resources across the transport sector,	16
	(e) to co-ordinate the activities of those engaged in the	17
	delivery of transport services,	18
	(f) to maintain independent regulatory arrangements for	19
	securing the safety of transport services.	20
[2]	Section 3 Definitions	21
	Omit the definition of <i>Director-General</i> from section 3 (1). Insert instead:	22
	<i>Director-General</i> means the Director-General of Transport	23
	NSW.	24
[3]	Section 3 (1)	25
	Insert in alphabetical order:	26
	<i>Transport NSW</i> means Transport NSW established under	27
	Chapter 1A of the <i>Public Sector Employment and Management</i>	28
	<i>Act 2002</i> .	29

[4] Section 3B	1
Insert after section 3A:	2
3B Ministerial responsibility and delegation	3
(1) The Director-General and the chief executives of the following bodies are, in the exercise of their functions, subject to the control and direction of the Minister:	4
(a) RailCorp,	5
(b) Roads and Traffic Authority,	6
(c) State Transit Authority,	7
(d) Sydney Ferries,	8
(e) Transport Construction Authority,	9
(f) Country Rail Infrastructure Authority.	10
Note. Section 42P provides for limited Ministerial control and direction of the ITSr.	11
(2) The Minister may delegate to the Director-General, or to any such chief executive, any function of the Minister under this Act, other than this power of delegation.	12
[5] Part 1A	13
Insert after Part 1:	14
Part 1A Director-General of Transport NSW	15
3C General functions of Director-General	16
(1) The Director-General has the following functions:	17
(a) Transport planning and policy	18
Transport planning and policy, including for integrated transport and land use strategies for metropolitan and regional areas.	19
(b) Transport public funding	20
The administration of the allocation of public funding for public transport agencies.	21
(c) Transport infrastructure	22
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 sector.	23
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(d)	Contracting for the delivery of transport services	1
	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.	2 3 4 5
(e)	Transport services co-ordination	6
	The co-ordination of transport services, including timetabling for transport services and providing for effective transport interchanges.	7 8 9
(f)	Incident management	10
	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.	11 12 13 14
(g)	Transport information	15
	The provision of information about transport services and transport infrastructure to assist people to use those services or infrastructure.	16 17 18
(h)	Provision and deployment of transport agency staff and services	19 20
	The provision of corporate and shared services to public transport agencies and the deployment to priority areas of public transport agency staff.	21 22 23
(i)	Ticketing for transport services	24
	Regulating the types of tickets and other ticketing arrangements for the setting of fares for transport services.	25 26
(j)	Precinct land planning	27
	Assisting the Minister for Planning 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.	28 29 30 31
(k)	Other functions	32
	The other functions conferred or imposed on the Director-General by or under:	33 34
	(i) this Part, Division 2A of Part 9 or any other provision of this Act, or	35 36
	(ii) the <i>Passenger Transport Act 1990</i> or any other Act.	37

(2)	The Director-General is to prepare and make publicly available a Transport NSW corporate plan for his or her activities in the next 5 financial years. The Director-General is to revise the plan annually.	1 2 3 4
(3)	Any function of the Director-General may be exercised in relation to all or to any one or more kinds of transport services.	5 6
(4)	In this section: <i>public transport agency</i> means RailCorp, the Roads and Traffic Authority, the State Transit Authority, Sydney Ferries, the Transport Construction Authority, the Country Rail Infrastructure Authority and their public or private subsidiary corporations. <i>transport infrastructure</i> includes road and rail infrastructure. <i>transport services</i> include railway passenger services (including heavy rail, metro rail and light rail services), bus services and ferry services.	7 8 9 10 11 12 13 14 15 16
3D	Directions by Director-General to public transport agencies	17
(1)	The Director-General may, for the purpose of exercising his or her functions, give directions to the following bodies in relation to the exercise of their functions: (a) RailCorp, (b) Roads and Traffic Authority, (c) State Transit Authority, (d) Sydney Ferries, (e) Transport Construction Authority, (f) Country Rail Infrastructure Authority, (g) a public or private subsidiary corporation (as referred to in Part 6B) of any of those bodies. Note. This Act provides that the Chief Executive of a body referred to in paragraphs (a)–(f) is, in managing the affairs of the body, to do so in accordance with any directions of the Director-General under this section.	18 19 20 21 22 23 24 25 26 27 28 29 30 31 32
(2)	A body referred to in subsection (1) is required to provide the Director-General, at such times and in such form as he or she directs, with the following: (a) the operating and capital works budget of the body for the next year and forward years,	33 34 35 36 37

(b)	any other information held by or relating to the body that the Director-General considers is required for the purposes of exercising his or her functions.	1 2 3
	If a budget of the body is required to be changed as a result of a direction of the Director-General under this section, the body is to provide the revised budget to the Director-General.	4 5 6
(3)	This section is not subject to any contract under section 3C (1) (d) with a body referred to in subsection (1).	7 8
3E	Review by relevant safety regulator of directions relating to transport safety matters	9 10
(1)	In this section:	11
	<i>direction</i> means a direction given by the Director-General under section 3D to a transport authority.	12 13
	<i>relevant safety regulator</i> means:	14
(a)	in the case of a direction relating to rail services or infrastructure—the Independent Transport Safety Regulator, or	15 16 17
(b)	in the case of a direction relating to bus services—the Independent Transport Safety Regulator (but only if the ITSRR is, in accordance with an arrangement under section 6B of the <i>Passenger Transport Act 1990</i> , assisting the Director-General in connection with the exercise of the Director-General’s functions under that Act in relation to bus services), or	18 19 20 21 22 23 24
(c)	in the case of a direction relating to ferry services—the Maritime Authority of NSW.	25 26
	<i>safety management system</i> of a transport authority means any safety management system that the authority is required to have:	27 28
(a)	under section 9D or 53D of the <i>Passenger Transport Act 1990</i> , or	29 30
(b)	under section 12 of the <i>Rail Safety Act 2008</i> .	31
(2)	A transport authority may advise the Director-General of the likely impact on its safety management system of compliance with a direction of the Director-General (including whether the authority needs to make appropriate modifications to its safety management system before it is able to comply with the direction).	32 33 34 35 36 37

(3)	As a result of that advice, the Director-General may:	1
(a)	change or revoke the direction, or	2
(b)	suspend the direction and request the relevant safety regulator to review the likely impact of the direction.	3 4
(4)	If:	5
(a)	the Director-General does not change, revoke or suspend the direction, and	6 7
(b)	the transport authority considers that as a result of the direction it will not be able to comply with its safety management system,	8 9 10
	the transport authority may, within 14 days after receiving the direction, request the relevant safety regulator to review the likely impact of the direction. Any such request operates to suspend the direction.	11 12 13 14
(5)	The relevant safety regulator is to review the likely impact of the direction on the safety management system within 14 days after being requested to do so, and notify the Director-General and the transport authority of the result of its review.	15 16 17 18
(6)	The Director-General may, as a result of the review, confirm, change or revoke the direction.	19 20
(7)	Unless a suspended direction is sooner revoked, the suspension of the direction ceases:	21 22
(a)	at the end of the period of 14 days after the relevant safety regulator is requested to review the likely impact of the direction, or	23 24 25
(b)	at such time the Director-General decides, as a result of the review, to change or confirm the direction,	26 27
	whichever first occurs. However, the Director-General may extend the suspension beyond the period that it would otherwise cease under this subsection.	28 29 30
(8)	The Director-General may, without limiting any other provision of this section, request the relevant safety regulator for advice on the safety implications of a direction or proposed direction.	31 32 33
3F	Delegation of Director-General's functions	34
(1)	The Director-General may delegate to an authorised person any of the Director-General's functions under this Act, other than this power of delegation.	35 36 37

(2)	A delegate may sub-delegate to an authorised person any function delegated by the Director-General if the delegate is authorised in writing to do so by the Director-General.	1 2 3
(3)	In this section, <i>authorised person</i> means:	4
(a)	a member of staff of Transport NSW, or	5
(b)	a person of a class prescribed by the regulations.	6
[6]	Sections 13, 14, 25, 26, 35H and 35I (Boards of RailCorp, STA and Sydney Ferries)	7 8
	Omit the sections.	9
[7]	Section 15	10
	Omit the section. Insert instead:	11
	15 Chief Executive of RailCorp	12
	The Director-General may, with the approval of the Minister, appoint a Chief Executive of RailCorp.	13 14
	Note. Schedule 2 contains ancillary provisions relating to the Chief Executive of RailCorp.	15 16
[8]	Section 16 Chief Executive to manage RailCorp	17
	Omit section 16 (1). Insert instead:	18
(1)	The affairs of RailCorp are to be managed and controlled by the Chief Executive of RailCorp in accordance with any directions of the Director-General under section 3D.	19 20 21
[9]	Sections 17B (1) and (2), 31 (1), (2) and (4A) and 35N (1) and (2)	22
	Omit “the Minister” wherever occurring.	23
	Insert instead “the Director-General”.	24
[10]	Sections 17B (7) and 35N (7)	25
	Omit “any direction by the Minister under this Division” wherever occurring.	26
	Insert instead “any direction by the Minister or the Director-General under this Act”.	27 28
[11]	Section 17F Delegation of functions of RailCorp	29
	Omit “RailCorp Board” from section 17F (3) (b).	30
	Insert instead “Director-General”.	31

[12] Section 27	1
Omit the section. Insert instead:	2
27 Chief Executive of STA	3
The Director-General may, with the approval of the Minister, appoint a Chief Executive of the State Transit Authority.	4 5
Note. Schedule 2 contains ancillary provisions relating to the Chief Executive of the STA.	6 7
[13] Section 28 Chief Executive to manage STA	8
Omit “in accordance with the policies of the State Transit Authority Board” from section 28 (1).	9 10
Insert instead “in accordance with any directions of the Director-General under section 3D”.	11 12
[14] Section 35 Delegation of functions of STA	13
Omit “State Transit Authority Board” from section 35 (3) (b).	14
Insert instead “Director-General”.	15
[15] Section 35J	16
Omit the section. Insert instead:	17
35J Chief Executive of Sydney Ferries	18
The Director-General may, with the approval of the Minister, appoint a Chief Executive of Sydney Ferries.	19 20
Note. Schedule 2 contains ancillary provisions relating to the Chief Executive of Sydney Ferries.	21 22
[16] Section 35K Chief Executive to manage Sydney Ferries	23
Omit section 35K (1). Insert instead:	24
(1) The affairs of Sydney Ferries are to be managed and controlled by the Chief Executive of Sydney Ferries in accordance with any directions of the Director-General under section 3D.	25 26 27
[17] Section 35QA Delegation of functions of Sydney Ferries	28
Omit “Sydney Ferries Board” from section 35QA (3) (b).	29
Insert instead “Director-General”.	30

[18] Part 5	1
Omit the Part. Insert instead:	2
Part 5 Transport Advisory Council	3
43 Establishment of Transport Advisory Council	4
(1) There is established by this Act a Transport Advisory Council.	5
(2) The Advisory Council is to consist of the following members:	6
(a) the Director-General or a member of staff of Transport NSW nominated by the Director-General,	7
(b) no fewer than 3, and no more than 7, members appointed by the Minister.	8
Note. Schedule 3 contains provisions relating to the members and procedure of the Advisory Council.	9
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44 Functions of Advisory Council	13
(1) The Advisory Council has the following functions:	14
(a) to provide advice to the Minister on such matters as are referred to it by the Minister,	15
(b) to provide advice to the Director-General on such matters as are referred to it by the Director-General,	16
(c) such other functions as are conferred or imposed on it by or under this or any other Act.	17
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(2) The Advisory Council is:	19
(a) to prepare a draft work plan for approval by the Minister, and	20
(b) to carry out such transport advisory functions as are specified in any such approved work plan.	21
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(3) The Advisory Council may, with the approval of the Director-General or the Minister, undertake public consultation for the purpose of exercising its functions.	24
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44A Committees of Advisory Council	29
(1) The Advisory Council may establish committees to assist it in connection with the exercise of any of its functions.	30
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(2) It does not matter that any or all of the members of a committee are not members of the Advisory Council.	32
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(3) The procedure for calling meetings of a committee and for the conduct of those meetings is to be determined by the Advisory	34
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	Council or (subject to any determination by the Advisory Council) by the committee.	1 2
[19]	Section 47	3
	Omit the section. Insert instead:	4
	47 Chief Executive of RTA	5
	The Director-General may, with the approval of the Minister, appoint a Chief Executive of the Roads and Traffic Authority.	6 7
	Note. Schedule 2 contains ancillary provisions relating to the Chief Executive of the RTA.	8 9
[20]	Section 48 Chief Executive to manage RTA	10
	Insert “in accordance with any directions of the Director-General under section 3D” after “that Authority” in section 48 (1).	11 12
[21]	Part 6B	13
	Insert before Part 7:	14
	Part 6B Subsidiary corporations, joint ventures etc	15
55A	Definition of “transport authority”	16
	In this Part, <i>transport authority</i> means any of the following:	17
	(a) the Director-General,	18
	(b) RailCorp,	19
	(c) Roads and Traffic Authority,	20
	(d) State Transit Authority,	21
	(e) Sydney Ferries,	22
	(f) Transport Construction Authority,	23
	(g) Country Rail Infrastructure Authority.	24
55B	Exercise of functions through subsidiary corporations, joint ventures etc	25 26
	(1) In this section:	27
	<i>subsidiary corporation</i> of a transport authority means:	28
	(a) a public subsidiary corporation referred to in section 55C that is constituted for the purposes of the transport authority, or	29 30 31
	(b) a private subsidiary corporation referred to in section 55D that is formed for the purposes of the transport authority.	32 33

(2)	Any function of a transport authority may be exercised:	1
(a)	by the transport authority itself, or	2
(b)	by a subsidiary corporation of the transport authority, or	3
(c)	by the transport authority or a subsidiary corporation of the transport authority, or both, in a partnership, joint venture or other association with other persons or bodies.	4 5 6
(3)	This section does not extend to the function of the Director-General to give directions under section 3D.	7 8
55C	Public subsidiary corporations	9
(1)	In this section:	10
	<i>public subsidiary corporation</i> means a corporation constituted in accordance with this section for the purposes of a transport authority.	11 12 13
(2)	The regulations may constitute a corporation for the purposes of this section with the corporate name specified in the regulations.	14 15
(3)	A public subsidiary corporation:	16
(a)	has such of the functions of the transport authority in respect of which it is constituted as are specified in the regulations or delegated to it under this Act, and	17 18 19
(b)	is, for the purposes of any Act, a NSW Government agency.	20 21
(4)	The provisions of or made under this Act or any other Act relating to a transport authority apply to and in respect of a public subsidiary corporation constituted for the purposes of that authority in such manner and to such extent as are prescribed by the regulations.	22 23 24 25 26
(5)	With the approval of the Minister:	27
(a)	a transport authority may transfer any of its assets, rights or liabilities to a public subsidiary corporation of the authority, and	28 29 30
(b)	a public subsidiary corporation of a transport authority may transfer any of its assets, rights or liabilities to the transport authority or to another public subsidiary corporation of the authority.	31 32 33 34
(6)	The regulations may make provision for or with respect to the vesting of those assets, rights and liabilities in the transferee without any transfer, conveyance or assignment.	35 36 37

(7)	A public subsidiary corporation is dissolved by the repeal of the regulations by which it is constituted (unless continued in existence by the regulations), and on any such dissolution the assets, rights and liabilities of the corporation become the assets, rights and liabilities of the transport authority in respect of which the corporation was constituted.	1 2 3 4 5 6
55D	Private subsidiary corporations etc	7
(1)	In this section: <i>private corporation</i> means a corporation within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth formed in or outside New South Wales. <i>private subsidiary corporation</i> means a private corporation in which a transport authority has a controlling interest.	8 9 10 11 12 13
(2)	A transport authority may, subject to subsection (3):	14
	(a) form, or participate in the formation of, private corporations, and	15 16
	(b) acquire interests in private corporations, and	17
	(c) sell or otherwise dispose of interests in private corporations,	18 19
	whether or not the activities or proposed activities of any such private corporation are related to the activities of the transport authority.	20 21 22
(3)	A transport authority must not, without the approval of the Minister:	23 24
	(a) form, or participate in the formation of, a private subsidiary corporation, or	25 26
	(b) acquire an interest in a private corporation so that, as a result of the acquisition, the corporation becomes a private subsidiary corporation, or	27 28 29
	(c) sell or otherwise dispose of any interest in a private subsidiary corporation so that, as a result of the sale or disposal, it ceases to be a private subsidiary corporation.	30 31 32
(4)	A private subsidiary corporation is not a NSW Government agency.	33 34

[22] Part 7, Division 4	1
Insert after Division 3:	2
Division 4 Transfer of staff	3
65 Definitions	4
In this Division:	5
<i>transferred staff member</i> means a member of staff of a transport authority who is the subject of an order under this Division.	6
<i>transport authority</i> means any of the following:	7
(a) Transport NSW,	8
(b) RailCorp,	9
(c) Roads and Traffic Authority,	10
(d) State Transit Authority,	11
(e) Sydney Ferries,	12
(f) Transport Construction Authority,	13
(g) Country Rail Infrastructure Authority,	14
(h) a public subsidiary corporation (as referred to in Part 6B) of any of the above bodies,	15
(i) Independent Transport Safety Regulator,	16
(j) until their dissolution, Sydney Metro and the Public Transport Ticketing Corporation.	17
66 Orders providing for transfer of staff of transport authorities	18
(1) The Director-General may, by order in writing, provide that any member of staff of a transport authority who is specified or described in the order is transferred to another transport authority specified in the order.	19
(2) The transferred staff member is taken for all purposes as having become an employee of the other transport authority, in accordance with the terms of the order, on the day specified in the order.	20
(3) The Director-General cannot make an order under this Division that relates to the Independent Transport Safety Regulator except with the approval of the Chief Executive of the Independent Transport Safety Regulator.	21

67	Preservation of remuneration and other conditions of employment on transfer	1 2
(1)	Except as otherwise provided by this Division or the regulations, the terms and conditions on which a transferred staff member becomes employed on being transferred by an order under this Division (including terms and conditions as to remuneration, allowances and duration of employment) are, on the transfer date, those on which the staff member was employed immediately before the transfer.	3 4 5 6 7 8 9
(2)	Nothing in this section prevents the terms and conditions of employment referred to in subsection (1) from being varied.	10 11
68	Preservation of leave and other entitlements for previous service	12
(1)	Continuous service of a transferred staff member with any transport authority is taken, for all purposes, as service with the transport authority that is the staff member's current employer.	13 14 15
(2)	This section applies, without limiting its operation, for the purpose of the accrual of leave with the current employer and for the purpose of any entitlements to redundancy payments from the current employer.	16 17 18 19
(3)	In particular, a transferred staff member retains, on being transferred under this Division, any rights to annual leave, long service leave and sick leave accrued in the staff member's previous employment with a transport authority.	20 21 22 23
(4)	A transferred staff member's entitlement to any such leave is to be calculated:	24 25
(a)	for the part of any period during which that leave accrued or was accruing that occurred before the day of transfer— at the rate for the time being applicable to the staff member before that day, and	26 27 28 29
(b)	for the part of the period that occurred after the day of transfer—at the rate for the time being applicable to the staff member after that day.	30 31 32
68A	No payment out on transfer or dual benefits	33
	A person who is transferred under this Division:	34
(a)	is not entitled to receive any payment or other benefit merely because the person ceases to be a member of staff of the transport authority from which the person is transferred, and	35 36 37 38

(b)	is not entitled to elect, because of the transfer, to be paid the money value of any extended or annual leave that the person accrued as a member of staff of the transport authority from which the person is transferred, and	1 2 3 4
(c)	is not entitled to claim, under this or any other Act, dual benefits of the same kind for the same period of service.	5 6
1.2	Public Sector Employment and Management Act 2002 No 43	7
[1]	Schedule 1 Divisions of the Government Service	8
	Omit the matter relating to the Department of Transport and Infrastructure from Division 1 of Part 1.	9 10
	Insert instead:	11
	Transport NSW	Director-General of Transport NSW
[2]	Schedule 1, Part 3	12
	Insert in alphabetical order:	13
	Transport Special Services Group, Transport NSW (limited to staff of Transport NSW, not subject to Chapter 2 of this Act, who are designated by the Division Head with the approval of the Director of Public Employment)	Director-General of Transport NSW

Schedule 2	Amendments relating to Transport Construction Authority (formerly TIDC)	1
		2
2.1	Transport Administration Act 1988 No 109	3
[1]	Sections 3 (1) (paragraph (a) of the definition of “rail infrastructure owner”), 88A (definition of “rail authority”), 89 (definition of “rail authority”) and 116 (7) (definition of “parking offence”) and clauses 2 (3), 2A (3) and 2C (5) of Schedule 6A	4
		5
		6
		7
	Omit “Transport Infrastructure Development Corporation” wherever occurring.	8
		9
	Insert instead “the Transport Construction Authority”.	10
[2]	Section 3 Definitions	11
	Omit the definition of <i>Transport Infrastructure Development Corporation</i> (or <i>TIDC</i>) from section 3 (1).	12
		13
	Insert instead in alphabetical order:	14
	<i>Transport Construction Authority</i> means the Transport Construction Authority constituted under this Act.	15
		16
[3]	Part 2A	17
	Omit the Part. Insert instead:	18
	Part 2A Transport Construction Authority	19
	18 Definitions	20
	(1) In this Part:	21
	<i>develop a major railway system or develop a major transport project</i> includes:	22
		23
	(a) carry out development for the purposes of a railway system or other transport project (including development of land in the vicinity of transport infrastructure for any such system or project), and	24
		25
		26
		27
	(b) facilitate, manage, finance or maintain any such development, and	28
		29
	(c) carry out any function ancillary to any such development.	30
	<i>development</i> means development within the meaning of the <i>Environmental Planning and Assessment Act 1979</i> , a project within the meaning of Part 3A of that Act or an activity within the meaning of Part 5 of that Act.	31
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<i>railway</i> means a guided system designed to transport passengers or freight or both (whether or not passengers, freight or both are being transported) on a railway track, together with its infrastructure and associated sidings, and includes a heavy railway, light railway, metro railway, inclined railway, monorail or tramway.	1 2 3 4 5 6
<i>railway system</i> includes a railway, rail infrastructure facilities, stations, platforms, maintenance facilities, depots and any other transport interchanges, works, structures and facilities associated with or incidental to the railway or rail infrastructure facilities.	7 8 9 10
(2) In this Part, a reference to a railway system or other transport project includes a reference to part of a system or part of a project.	11 12
18A Constitution of TCA (as a continuation of TIDC)	13
(1) There is constituted by this Act a corporation with the corporate name of the Transport Construction Authority.	14 15
(2) The substitution of this section by the <i>Transport Administration Amendment Act 2010</i> operates to change the name of the corporation constituted by this section (as in force immediately before its substitution) from Transport Infrastructure Development Corporation to the Transport Construction Authority, but does not operate to create a new legal entity.	16 17 18 19 20 21
(3) Accordingly, the Transport Construction Authority is taken for all purposes, including the rules of private international law, to be a continuation of, and the same legal entity as, the Transport Infrastructure Development Corporation.	22 23 24 25
(4) The Transport Construction Authority is a NSW Government agency.	26 27
18B Objectives of TCA	28
(1) The principal objectives of the Transport Construction Authority are:	29 30
(a) to develop major railway systems, and	31
(b) to develop other major transport projects, in an efficient, effective and financially responsible manner.	32 33
(2) The other objectives of the Transport Construction Authority are as follows:	34 35
(a) to be a successful business and, to that end:	36
(i) to operate at least as efficiently as any comparable business, and	37 38

	(ii) to maximise the net worth of the State's investment in the Transport Construction Authority,	1 2
	(b) to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates,	3 4
	(c) 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 <i>Protection of the Environment Administration Act 1991</i> ,	5 6 7 8 9
	(d) to exhibit a sense of responsibility towards regional development and decentralisation in the way in which it operates.	10 11 12
	(3) The other objectives of the Transport Construction Authority are of equal importance, but are not as important as the principal objectives of the Authority.	13 14 15
18C	Development of major railway systems and other major transport projects	16 17
	(1) The principal functions of the Transport Construction Authority are:	18 19
	(a) to develop major railway systems, and	20
	(b) to develop other major transport projects, including facilitating their development by other persons.	21 22
	(2) The Transport Construction Authority may not undertake the development of a major railway system or other major transport project except with the approval of the Director-General.	23 24 25
18D	Other functions of TCA	26
	(1) The Transport Construction Authority has such functions as are conferred or imposed on it by or under this or any other Act or law.	27 28 29
	(2) The Transport Construction Authority may:	30
	(a) hold, manage, maintain and establish assets associated with major railway systems or other major transport projects developed or proposed to be developed by the Transport Construction Authority, and	31 32 33 34
	(b) acquire and develop any land, and	35
	(c) conduct any business (whether or not related to its principal functions) that it considers will further its objectives, and	36 37 38

(d)	provide goods and services to the rail or other transport industries, and	1 2
(e)	provide facilities or services that are ancillary to or incidental to its principal functions, and	3 4
(f)	make and enter into leases or licences, or other arrangements, with persons for developing a major railway system or other major transport project, and	5 6 7
(g)	make and enter into contracts or arrangements for the carrying out of works or the performance of services or the supply of goods or materials, and	8 9 10
(h)	appoint agents, and act as agent for other persons.	11
18E	Acquisition of land by TCA	12
(1)	The Transport Construction Authority may, for any purposes of the Authority, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> .	13 14 15 16
(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 the Transport Construction Authority to exercise its functions in relation to land under this Act.	17 18 19 20
(3)	For the purposes of the <i>Public Works Act 1912</i> , any such acquisition of land is taken to be for an authorised work and the Transport Construction Authority is, in relation to that authorised work, taken to be the Constructing Authority within the meaning of that Act.	21 22 23 24 25
(4)	The Transport Construction Authority may not give a proposed acquisition notice under the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> without the approval of the Director-General.	26 27 28 29
(5)	Any such acquisition is not void merely because it is expressed to be for the purposes of the Transport Construction Authority or for the purposes of this Act.	30 31 32
(6)	Part 3 of the <i>Public Works Act 1912</i> does not apply in respect of works constructed for the purposes of this section.	33 34
18F	Sale, lease or other disposal of land	35
(1)	The Transport Construction Authority may, with the approval of the Minister, sell, lease or otherwise dispose of any of its land.	36 37

(2)	Despite subsection (1), the approval of the Minister is not required:	1
		2
(a)	for any lease for a term not exceeding 5 years, or	3
(b)	for a sale, lease or other disposal of land not exceeding such value, or in such circumstances, as the Minister may determine from time to time.	4
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18G	Chief Executive of TCA	7
(1)	The Director-General may, with the approval of the Minister, appoint a Chief Executive of the Transport Construction Authority.	8
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		10
	Note. Schedule 2 contains ancillary provisions relating to the Chief Executive of the TCA.	11
		12
(2)	The affairs of the Transport Construction Authority are to be managed and controlled by the Chief Executive of the Authority in accordance with any directions of the Director-General under section 3D.	13
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(3)	Any act, matter or thing done in the name of, or on behalf of, the Transport Construction Authority by the Chief Executive is taken to have been done by the Transport Construction Authority.	17
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18H	TCA to supply information to Minister	20
	The Transport Construction Authority must:	21
(a)	supply the Minister or a person nominated by the Minister with any information relating to its activities that the Minister or person may require, and	22
		23
		24
(b)	keep the Minister informed of the general conduct of its activities, and of any significant development in its activities.	25
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18I	Delegation of functions of TCA	28
(1)	The Transport Construction Authority may delegate to an authorised person any of its functions, other than this power of delegation.	29
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(2)	A delegate may subdelegate to an authorised person any function delegated by the Transport Construction Authority if the delegate is authorised in writing to do so by the Authority.	32
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(3)	In this section, <i>authorised person</i> means:	1
(a)	a member of staff of the Transport Construction Authority, or	2 3
(b)	a person of a class prescribed by the regulations or approved by the Director-General.	4 5
[4]	Section 42A Definitions	6
	Insert after paragraph (d) of the definition of <i>transport authority</i> :	7
(d1)	the Transport Construction Authority, or	8
[5]	Part 7, Division 2A	9
	Insert after Division 2:	10
	Division 2A Staff of Transport Construction Authority	11
61A	Employment of staff	12
	The Transport Construction Authority may employ such staff as it requires to exercise its functions.	13 14
61B	Salary, conditions etc of staff	15
	The Transport Construction Authority may fix the salary, wages and conditions of employment of its staff in so far as they are not fixed by or under any other Act or law.	16 17 18
61C	Regulations relating to TCA staff	19
(1)	The regulations may make provision for or with respect to the employment of the staff of the Transport Construction Authority, including the conditions of employment and the discipline of any such staff.	20 21 22 23
(2)	Any such regulations relating to the conditions of employment or the discipline of staff:	24 25
(a)	have effect subject to any relevant award made by a competent industrial tribunal and to any industrial agreement to which the Transport Construction Authority is a party, and	26 27 28 29
(b)	have effect despite any determination of the Transport Construction Authority under section 61B, and	30 31
(c)	have effect subject to Part 3.1 of the <i>Public Sector Employment and Management Act 2002</i> .	32 33

(3)	Chapter 1A of the <i>Public Sector Employment and Management Act 2002</i> does not apply to the employment of staff under this Division.	1 2 3
[6]	Part 8, Division 1A	4
	Insert after Division 1:	5
	Division 1A Financial provisions relating to Transport Construction Authority	6 7
72A	TCA Fund	8
	There is established in the Special Deposits Account a fund called the Transport Construction Authority Fund (the <i>TCA Fund</i>).	9 10 11
72B	Payments into TCA Fund	12
	There is to be paid into the TCA Fund:	13
	(a) all money received by or on account of the Transport Construction Authority, and	14 15
	(b) all money advanced to the Transport Construction Authority by the Treasurer, and	16 17
	(c) all money:	18
	(i) appropriated by Parliament for the purposes of Transport NSW and allocated to the Transport Construction Authority by the Director-General, or	19 20 21
	(ii) otherwise appropriated by Parliament for the purposes of the Transport Construction Authority, and	22 23 24
	(d) all other money required by or under this or any other Act to be paid into the TCA Fund.	25 26
72C	Payments from TCA Fund	27
	There is to be paid from the TCA Fund:	28
	(a) all payments made on account of the Transport Construction Authority or otherwise required to meet expenditure incurred in relation to the functions of the Transport Construction Authority, and	29 30 31 32
	(b) all other payments required by or under this or any other Act to be paid from the TCA Fund.	33 34

[7] Section 107 Definition of “transport authority”	1
Insert after section 107 (1) (c1):	2
(c2) the Transport Construction Authority, or	3
[8] Section 107 (2)	4
Omit the subsection.	5
[9] Section 112 Personal liability of certain persons	6
Insert “the Transport Construction Authority,” after “RailCorp,” in the	7
definition of <i>member of a transport authority</i> in section 112 (2).	8
[10] Section 122 (definition of “rail authority”) and clause 1 (1) (definition of	9
 “rail authority”) of Schedule 6B	10
Omit “TIDC” wherever occurring.	11
Insert instead “the Transport Construction Authority”.	12
[11] Schedule 6A Powers relating to rail infrastructure facilities and land	13
Omit paragraph (a) of the definition of <i>owner</i> in clause 1. Insert instead:	14
(a) in the case of any land, rail infrastructure facilities or any	15
railway building that is managed or controlled by the	16
Transport Construction Authority for the purposes of	17
exercising its functions under this Act, the Transport	18
Construction Authority, or	19
[12] Schedule 6A, clause 1, definition of “rail authority”	20
Omit “, Transport Infrastructure Development Corporation” from	21
paragraph (a).	22
Insert instead “or the Transport Construction Authority”.	23
2.2 First State Superannuation Act 1992 No 100	24
Schedule 1 Employers	25
Omit “Transport Infrastructure Development Corporation”.	26
Insert instead “Transport Construction Authority”.	27
2.3 Public Finance and Audit Act 1983 No 152	28
Schedule 2 Statutory bodies	29
Insert in alphabetical order:	30
Transport Construction Authority	31

2.4 State Authorities Non-contributory Superannuation Act 1987 No 212	1
	2
Schedule 1 Employers	3
Omit “Transport Infrastructure Development Corporation” from Part 1.	4
Insert instead “Transport Construction Authority”.	5
2.5 State Authorities Superannuation Act 1987 No 211	6
Schedule 1 Employers	7
Omit “Transport Infrastructure Development Corporation” from Part 1.	8
Insert instead “Transport Construction Authority”.	9
2.6 State Owned Corporations Act 1989 No 134	10
Schedule 5 Statutory SOCs	11
Omit “Transport Infrastructure Development Corporation”.	12
2.7 Superannuation Act 1916 No 28	13
Schedule 3 List of employers	14
Omit “Transport Infrastructure Development Corporation” from Part 1.	15
Insert instead “Transport Construction Authority”.	16

Schedule 3	Amendments relating to Country Rail Infrastructure Authority (formerly RIC)	1
		2
3.1	Transport Administration Act 1988 No 109	3
[1]	The whole Act, except clause 2B of Schedule 6A, Schedule 7 and where otherwise amended by this Act	4
	Omit “RIC” and “Rail Infrastructure Corporation” wherever occurring.	5
	Insert instead “the Country Rail Infrastructure Authority”.	6
[2]	Section 3 Definitions	7
	Omit the definition of <i>Rail Infrastructure Corporation</i> (or <i>RIC</i>) from section 3 (1).	8
	Insert instead in alphabetical order:	9
	<i>Country Rail Infrastructure Authority</i> (or <i>CRIA</i>) means the Country Rail Infrastructure Authority constituted by this Act.	10
[3]	Part 2B	11
	Omit the Part. Insert instead:	12
		13
	Part 2B Country Rail Infrastructure Authority	14
19A	Constitution of Country Rail Infrastructure Authority (as a continuation of RIC)	15
	(1) There is constituted by this Act a corporation with the corporate name of the Country Rail Infrastructure Authority.	16
	(2) The substitution of this Part by the <i>Transport Administration Amendment Act 2010</i> operates to change the name of the corporation constituted under this Part (as in force immediately before its substitution) from Rail Infrastructure Corporation to the Country Rail Infrastructure Authority, but does not operate to create a new legal entity.	17
	(3) Accordingly, the Country Rail Infrastructure Authority is taken for all purposes, including the rules of private international law, to be a continuation of, and the same legal entity as, Rail Infrastructure Corporation.	18
	(4) The Country Rail Infrastructure Authority is a NSW Government agency.	19
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19B	Objectives of CRIA	1
(1)	The principal objective of the Country Rail Infrastructure Authority is to ensure that the part of the NSW rail network vested in or owned by the Country Rail Infrastructure Authority enables safe and reliable passenger and freight services to be provided in an efficient, effective and financially responsible manner.	2 3 4 5 6 7
(2)	The other objectives of the Country Rail Infrastructure Authority are:	8 9
(a)	to promote and facilitate access to the part of the NSW rail network vested in or owned by the Country Rail Infrastructure Authority in accordance with the current NSW rail access undertaking, and	10 11 12 13
(b)	to be a successful business and, to that end:	14
(i)	to operate at least as efficiently as any comparable businesses, and	15 16
(ii)	to maximise the net worth of the State's investment in the Country Rail Infrastructure Authority, and	17 18
(c)	to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates, and	19 20
(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 <i>Protection of the Environment Administration Act 1991</i> , and	21 22 23 24 25
(e)	to exhibit a sense of responsibility towards regional development and decentralisation in the way in which it operates, and	26 27 28
(f)	to maintain reasonable priority and certainty of access for railway passenger services.	29 30
(3)	The other objectives of the Country Rail Infrastructure Authority are of equal importance, but are not as important as the principal objective of the Authority.	31 32 33
(4)	Subsection (2) (a) does not apply to any part of the NSW rail network subject to an ARTC lease or licence.	34 35
19C	Functions of CRIA	36
(1)	The Country Rail Infrastructure Authority has such functions as are conferred or imposed on it by or under this or any other Act or law.	37 38 39

- (2) The principal functions of the Country Rail Infrastructure Authority are: 1
2
- (a) to hold, manage, maintain and establish rail infrastructure facilities on behalf of the State, and 3
4
- (b) to provide persons with access under the current NSW rail access undertaking to the part of the NSW rail network vested in or owned by the Country Rail Infrastructure Authority and that is not subject to an ARTC lease or licence. 5
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9
- (3) The Country Rail Infrastructure Authority may also: 10
- (a) provide facilities or services that are ancillary or incidental to its principal functions, and 11
12
- (b) supply goods and services to the rail industry, and 13
- (c) conduct any business (whether or not related to its principal functions) that it considers will further its objectives, and 14
15
16
- (d) acquire and develop any land, and 17
- Note.** See clause 13 of Schedule 6A which provides for the acquisition of land by CRIA. 18
19
- (e) make and enter into contracts or arrangements for the carrying out of works or the performance of services or the supply of goods or materials, and 20
21
22
- (f) appoint agents, and act as agent for other persons. 23
- (4) The Country Rail Infrastructure Authority is not to conduct any business outside the State that is not related to the NSW rail network without the approval of the Premier, Minister and Treasurer. 24
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- (5) Each annual report of the Country Rail Infrastructure Authority prepared under the *Annual Reports (Statutory Bodies) Act 1984* must include a section that: 28
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- (a) identifies the trends in access for passenger and freight services on the part of the NSW rail network vested in or owned by the Country Rail Infrastructure Authority, and 31
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- (b) having regard to those trends, identifies any parts of the part of the NSW rail network vested in or owned by the Country Rail Infrastructure Authority where there is or is likely to be insufficient capacity for passenger or freight services, and 34
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(c)	sets out what the Country Rail Infrastructure Authority proposes should be done to ensure sufficient capacity for those services.	1 2 3
19D	Sale, lease or other disposal of land	4
(1)	The Country Rail Infrastructure Authority may, with the approval of the Minister, sell, lease or otherwise dispose of any of its land.	5 6 7
(2)	Despite subsection (1), the approval of the Minister is not required:	8 9
(a)	for any lease for a term not exceeding 5 years, or	10
(b)	for a sale, lease or other disposal of land not exceeding such value, or in such circumstances, as the Minister may determine from time to time.	11 12 13
19E	Chief Executive of CRIA	14
(1)	The Director-General may, with the approval of the Minister, appoint a Chief Executive of the Country Rail Infrastructure Authority.	15 16 17
	Note. Schedule 2 contains ancillary provisions relating to the Chief Executive of CRIA.	18 19
(2)	The affairs of the Country Rail Infrastructure Authority are to be managed and controlled by the Chief Executive of the Authority in accordance with any directions of the Director-General under section 3D.	20 21 22 23
(3)	Any act, matter or thing done in the name of, or on behalf of, the Country Rail Infrastructure Authority by the Chief Executive is taken to have been done by the Authority.	24 25 26
19F	CRIA to supply information to Minister	27
	The Country Rail Infrastructure Authority must:	28
(a)	supply the Minister or a person nominated by the Minister with any information relating to its activities that the Minister or person may require, and	29 30 31
(b)	keep the Minister informed of the general conduct of its activities, and of any significant development in its activities.	32 33 34

19G	Delegation of functions of CRIA	1
(1)	The Country Rail Infrastructure Authority may delegate to an authorised person any of its functions, other than this power of delegation.	2 3 4
(2)	A delegate may subdelegate to an authorised person any function delegated by the Country Rail Infrastructure Authority if the delegate is authorised in writing to do so by the Authority.	5 6 7
(3)	In this section, <i>authorised person</i> means:	8
(a)	a member of staff of the Country Rail Infrastructure Authority, or	9 10
(b)	a person of a class prescribed by the regulations or approved by the Director-General.	11 12
[4]	Section 42A Definitions	13
	Omit paragraph (d) of the definition of <i>transport authority</i> . Insert instead:	14
	(d) the Country Rail Infrastructure Authority, or	15
[5]	Part 7, Division 3A	16
	Insert as Division 3A:	17
	Division 3A Staff of Country Rail Infrastructure Authority	18
64A	Employment of staff	19
	The Country Rail Infrastructure Authority may employ such staff as it requires to exercise its functions.	20 21
64B	Salary, conditions etc of staff	22
	The Country Rail Infrastructure Authority may fix the salary, wages and conditions of employment of its staff in so far as they are not fixed by or under any other Act or law.	23 24 25
64C	Regulations relating to CRIA staff	26
(1)	The regulations may make provision for or with respect to the employment of the staff of the Country Rail Infrastructure Authority, including the conditions of employment and the discipline of any such staff.	27 28 29 30
(2)	Any such regulations relating to the conditions of employment or the discipline of staff:	31 32
(a)	have effect subject to any relevant award made by a competent industrial tribunal and to any industrial	33 34

	agreement to which the Country Rail Infrastructure Authority is a party, and	1
	(b) have effect despite any determination of the Country Rail Infrastructure Authority under section 64B, and	2
	(c) have effect subject to Part 3.1 of the <i>Public Sector Employment and Management Act 2002</i> .	3
	(3) Chapter 1A of the <i>Public Sector Employment and Management Act 2002</i> does not apply to the employment of staff under this Division.	4
		5
		6
		7
		8
		9
[6]	Part 8, Division 3B	10
	Insert after Division 3A:	11
	Division 3B Financial provisions relating to Country Rail Infrastructure Authority	12
		13
80G	CRIA Fund	14
	There is established in the Special Deposits Account a fund called the Country Rail Infrastructure Authority Fund (the CRIA Fund).	15
		16
		17
80H	Payments into CRIA Fund	18
	There is to be paid into the CRIA Fund:	19
	(a) all money received by or on account of the Country Rail Infrastructure Authority, and	20
		21
	(b) all money advanced to the Country Rail Infrastructure Authority by the Treasurer, and	22
		23
	(c) all money:	24
	(i) appropriated by Parliament for the purposes of Transport NSW and allocated to the Country Rail Infrastructure Authority by the Director-General, or	25
		26
		27
	(ii) otherwise appropriated by Parliament for the purposes of the Country Rail Infrastructure Authority, and	28
		29
		30
	(d) all other money required by or under this or any other Act to be paid into the CRIA Fund.	31
		32
80I	Payments from CRIA Fund	33
	There is to be paid from the CRIA Fund:	34
	(a) all payments made on account of the Country Rail Infrastructure Authority or otherwise required to meet	35
		36

	expenditure incurred in relation to the functions of the Authority, and	1
	(b) all other payments required by or under this or any other Act to be paid from the CRIA Fund.	2
		3
		4
[7]	Section 107 Definition of “transport authority”	5
	Insert before section 107 (1) (d):	6
	(c3) the Country Rail Infrastructure Authority, or	7
[8]	Section 112 Personal liability of certain persons	8
	Insert “the Country Rail Infrastructure Authority,” after “Regulator,” in the definition of <i>member of a transport authority</i> in section 112 (2).	9
		10
[9]	Schedule 6A Powers relating to railway infrastructure facilities and land	11
	Omit “RIC” where firstly occurring in clause 2 (2).	12
	Insert instead “The Country Rail Infrastructure Authority”.	13
[10]	Schedule 6A, clause 2D (1)	14
	Omit “, the current NSW rail access undertaking and the <i>State Owned Corporations Act 1989</i> ”.	15
		16
	Insert instead “and the current NSW rail access undertaking”.	17
[11]	Schedule 6A, clause 13 (1) and (4)	18
	Omit “RIC” wherever occurring.	19
	Insert instead “The Country Rail Infrastructure Authority”.	20
[12]	Schedule 6A, clauses 13 (4) and 13A (4)	21
	Omit “portfolio Minister” wherever occurring.	22
	Insert instead “Director-General”.	23
3.2	Electricity (Consumer Safety) Act 2004 No 4	24
	Section 3 Definitions	25
	Omit “Rail Infrastructure Corporation” from paragraph (b) of the definition of <i>electricity supply authority</i> in section 3 (1).	26
		27
	Insert instead “Country Rail Infrastructure Authority”.	28

3.3 First State Superannuation Act 1992 No 100	1
Schedule 1 Employers	2
Omit “Rail Infrastructure Corporation” where firstly occurring.	3
Insert instead “Country Rail Infrastructure Authority”.	4
3.4 Public Finance and Audit Act 1983 No 152	5
Schedule 2 Statutory bodies	6
Insert in alphabetical order:	7
Country Rail Infrastructure Authority	8
3.5 State Authorities Non-contributory Superannuation Act 1987 No 212	9
Schedule 1 Employers	10
Omit “Rail Infrastructure Corporation” where firstly occurring in Part 1.	11
Insert instead “Country Rail Infrastructure Authority”.	12
3.6 State Authorities Superannuation Act 1987 No 211	13
Schedule 1 Employers	14
Omit “Rail Infrastructure Corporation” where firstly occurring in Part 1.	15
Insert instead “Country Rail Infrastructure Authority”.	16
3.7 State Owned Corporations Act 1989 No 134	17
Schedule 5 Statutory SOCs	18
Omit “Rail Infrastructure Corporation”.	19
3.8 Superannuation Act 1916 No 28	20
Schedule 3 List of employers	21
Omit “Rail Infrastructure Corporation” where firstly occurring in Part 1.	22
Insert instead “Country Rail Infrastructure Authority”.	23
3.9 Transport Administration Amendment (Rail Agencies) Act 2003 No 96	24
The Act is repealed.	25
	26
	27

Schedule 4	Amendments relating to Sydney Metro	1
4.1	Transport Administration Act 1988 No 109	2
[1]	Section 3 Definitions	3
	Omit the definitions of <i>metro railway</i> and <i>metro railway system</i> from section 3 (1).	4 5
[2]	Section 3 (1), definition of “NSW rail network”	6
	Omit “, but does not include any part of a metro railway system”.	7
[3]	Section 3 (1), definition of “rail infrastructure owner”	8
	Omit paragraph (b1).	9
[4]	Part 6A Sydney Metro	10
	Omit the Part.	11
[5]	Part 8, Division 2A Financial provisions relating to Sydney Metro	12
	Omit the Division.	13
[6]	Section 89 Definitions	14
	Omit “, Sydney Metro” from the definition of <i>State rail operator</i> .	15
[7]	Section 99A Closure and disposal of railway lines	16
	Omit section 99A (4).	17
[8]	Section 112 Personal liability of certain persons	18
	Omit “, the Roads and Traffic Authority and Sydney Metro” from the definition of <i>member of a transport authority</i> in section 112 (2).	19 20
	Insert instead “and the Roads and Traffic Authority”.	21
[9]	Section 116 Liability of vehicle owner for parking offences on Authority’s land	22 23
	Omit “, Sydney Metro” from the definition of <i>parking offence</i> in section 116 (7).	24 25
[10]	Schedule 2B Constitution and procedure and CEO of Sydney Metro	26
	Omit the Schedule.	27
[11]	Schedule 6A Powers relating to rail infrastructure facilities and land	28
	Omit paragraph (a1) from the definition of <i>owner</i> in clause 1.	29

[12] Schedule 6A, clause 1, definition of “rail authority”	1
Omit “and Sydney Metro” from paragraph (a).	2
[13] Schedule 6A, clause 2CA	3
Omit the clause.	4
[14] Schedule 6B Special provisions for underground rail facilities	5
Omit “, Sydney Metro” from the definition of <i>rail authority</i> in clause 1 (1).	6
[15] Schedule 8A	7
Insert after Schedule 8:	8
 Schedule 8A Sydney Metro	9
 1 Definitions	10
In this Schedule:	11
<i>assets</i> means any legal or equitable estate or interest (whether present or future and whether vested or contingent and whether personal or assignable) in real or personal property of any description (including money), and includes securities, choses in action and documents.	12 13 14 15 16
<i>liabilities</i> means any liabilities, debts or obligations (whether present or future and whether vested or contingent and whether personal or assignable).	17 18 19
<i>rights</i> means any rights, powers, privileges or immunities (whether present or future and whether vested or contingent and whether personal or assignable).	20 21 22
 2 Continuation of Sydney Metro	23
(1) The corporation constituted under section 55B immediately before the commencement of this Schedule is continued by this clause with the corporate name of Sydney Metro.	24 25 26
(2) The corporation continued by this clause is for all purposes (including the rules of private international law) the same legal entity as Sydney Metro constituted under section 55B immediately before the commencement of this Schedule.	27 28 29 30
(3) Sydney Metro:	31
(a) has the functions conferred or imposed on it by or under this or any other Act, and	32 33
(b) is a NSW Government agency.	34

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- 3 Objectives and functions of Sydney Metro** 1
- (1) The objectives of Sydney Metro are as follows: 2
- (a) to manage its assets, rights and liabilities effectively and responsibly, 3
4
- (b) to minimise the risk exposure of the State arising from its activities, 5
6
- (c) to achieve the efficient and timely winding up of residual business activities. 7
8
- (2) Sydney Metro has the following functions: 9
- (a) such functions as may be necessary or convenient to enable it to exercise its rights and discharge its obligations under or in connection with its assets, rights and liabilities (including the sale, lease or disposal of any of its property), 10
11
12
13
- (b) any other functions conferred or imposed on it by or under this or any other Act. 14
15
- (3) Sydney Metro may do any thing that is supplemental or incidental to the exercise of its functions. 16
17
- 4 Director-General to manage and control affairs of Sydney Metro** 18
- (1) The affairs of Sydney Metro are to be managed and controlled by the Director-General. 19
20
- (2) Any act, matter or thing done in the name of, or on behalf of, Sydney Metro by the Director-General is taken to have been done by Sydney Metro. 21
22
23
- (3) The seal of Sydney Metro is to be kept by the Director-General and affixed to a document only: 24
25
- (a) in the presence of the Director-General or a member of staff of Transport NSW authorised by the Director-General, and 26
27
28
- (b) with an attestation by the signature of the Director-General or that member of staff of the fact of the affixing of the seal. 29
30
31
- (4) Until its dissolution, Sydney Metro is taken to be a public transport agency for the purposes of section 3C (General functions of Director-General). 32
33
34

5	Delegation of functions of Sydney Metro	1
(1)	Sydney Metro may delegate to an authorised person any of the functions of Sydney Metro, other than this power of delegation.	2 3
(2)	A delegate may subdelegate to an authorised person any function delegated by Sydney Metro if the delegate is authorised in writing to do so by Sydney Metro.	4 5 6
(3)	In this clause, <i>authorised person</i> means:	7
	(a) a member of staff of Transport NSW, or	8
	(b) a person of a class prescribed by the regulations or approved by the Director-General.	9 10
6	Sydney Metro Fund	11
(1)	There is to continue in the Special Deposits Account a Sydney Metro Fund.	12 13
(2)	The following is to be paid into the Sydney Metro Fund:	14
	(a) all money received by or on account of Sydney Metro,	15
	(b) all money advanced to Sydney Metro by the Treasurer or appropriated by Parliament for the purposes of Sydney Metro,	16 17 18
	(c) all other money required by or under this or any other Act to be paid into the Sydney Metro Fund.	19 20
(3)	The following is to be paid from the Sydney Metro Fund:	21
	(a) all payments made on account of Sydney Metro or otherwise required to meet expenditure incurred in relation to the functions of Sydney Metro,	22 23 24
	(b) such amounts as the Treasurer considers are required to reimburse the Treasury for refunding surplus Commonwealth grants relating to metro projects,	25 26 27
	(c) such amounts as the Treasurer considers to be surplus to the requirements of the Sydney Metro Fund pending the dissolution of Sydney Metro,	28 29 30
	(d) all other payments required by or under this or any other Act to be paid from the Sydney Metro Fund.	31 32
7	Annual report	33
	A report under the <i>Annual Reports (Departments) Act 1985</i> in respect of Transport NSW may include any annual report required to be made in respect of Sydney Metro under the <i>Annual Reports (Statutory Bodies) Act 1984</i> .	34 35 36 37

8	Dissolution of Sydney Metro	1
(1)	The Governor may, by proclamation published on the NSW legislation website, appoint a day on which Sydney Metro is to be dissolved.	2 3 4
(2)	On that day, Sydney Metro and each Sydney Metro subsidiary corporation are dissolved and any assets, rights and liabilities of Sydney Metro or the subsidiary corporation become assets, rights and liabilities of the Crown.	5 6 7 8
(3)	Schedule 4 applies to the transfer of the assets, rights and liabilities of Sydney Metro and each Sydney Metro subsidiary corporation 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.	9 10 11 12 13
(4)	Regulations of a savings and transitional nature may be made consequent on the dissolution of Sydney Metro and each Sydney Metro subsidiary corporation.	14 15 16
4.2	Electricity Supply Act 1995 No 94	17
[1]	Section 191 Regulations	18
	Omit “, Sydney Metro” from section 191 (2A).	19
[2]	Dictionary	20
	Omit “or Sydney Metro” from the definition of <i>rail network electricity system</i> .	21
4.3	Pipelines Act 1967 No 90	22
	Section 3 Definitions	23
	Omit “, Sydney Metro” from paragraph (a) of the definition of <i>public authority</i> in section 3 (1).	24 25
4.4	Public Sector Employment and Management Act 2002 No 43	26
[1]	Schedule 1 Divisions of the Government Service	27
	Omit the matter relating to the Sydney Metro Division from Part 2.	28
[2]	Schedule 2 Executive positions (other than non-statutory SES positions)	29
	Omit “Chief Executive Officer of Sydney Metro” from Part 2.	30

4.5 Roads Act 1993 No 33	1
Section 94 Roads authority may carry out drainage work across land adjoining public road etc	2
	3
Omit “, Sydney Metro” from section 94 (2).	4

Schedule 5	Amendments relating to Public Transport Ticketing Corporation	1
		2
5.1	Transport Administration Act 1988 No 109	3
[1]	Part 3B Public Transport Ticketing Corporation	4
	Omit the Part.	5
[2]	Schedule 4 Transfer of assets, rights and liabilities	6
	Omit clause 2 (1) (c).	7
[3]	Schedule 9	8
	Insert as Schedule 9:	9
	 Schedule 9 Public Transport Ticketing Corporation	10
		11
1	Definitions	12
	In this Schedule:	13
	<i>assets</i> means any legal or equitable estate or interest (whether present or future and whether vested or contingent and whether personal or assignable) in real or personal property of any description (including money), and includes securities, choses in action and documents.	14
		15
		16
		17
		18
	<i>liabilities</i> means any liabilities, debts or obligations (whether present or future and whether vested or contingent and whether personal or assignable).	19
		20
		21
	<i>rights</i> means any rights, powers, privileges or immunities (whether present or future and whether vested or contingent and whether personal or assignable).	22
		23
		24
2	Continuation of Public Transport Ticketing Corporation	25
(1)	The corporation constituted under section 35R immediately before the commencement of this Schedule is continued by this clause with the corporate name of the Public Transport Ticketing Corporation.	26
		27
		28
		29
(2)	The corporation continued by this clause is for all purposes (including the rules of private international law) the same legal entity as the Public Transport Ticketing Corporation constituted under section 35R immediately before the commencement of this Schedule.	30
		31
		32
		33
		34

(3)	The Public Transport Ticketing Corporation:	1
(a)	has the functions conferred or imposed on it by or under this or any other Act, and	2 3
(b)	is a NSW Government agency.	4
3	Objectives and functions of PTTC	5
(1)	The objectives of the Public Transport Ticketing Corporation are as follows:	6 7
(a)	to manage its assets, rights and liabilities effectively and responsibly,	8 9
(b)	to minimise the risk exposure of the State arising from its activities,	10 11
(c)	to achieve the efficient and timely winding up of residual business activities.	12 13
(2)	The Public Transport Ticketing Corporation has the following functions:	14 15
(a)	such functions as may be necessary or convenient to enable it to exercise its rights and discharge its obligations under or in connection with its assets, rights and liabilities (including the sale, lease or disposal of any of its property),	16 17 18 19
(b)	any other functions conferred or imposed on it by or under this or any other Act.	20 21
(3)	The Public Transport Ticketing Corporation may do any thing that is supplemental or incidental to the exercise of its functions.	22 23
4	Director-General to manage and control affairs of PTTC	24
(1)	The affairs of the Public Transport Ticketing Corporation are to be managed and controlled by the Director-General.	25 26
(2)	Any act, matter or thing done in the name of, or on behalf of, the Public Transport Ticketing Corporation by the Director-General is taken to have been done by the Public Transport Ticketing Corporation.	27 28 29 30
(3)	The seal of the Public Transport Ticketing Corporation is to be kept by the Director-General and affixed to a document only:	31 32
(a)	in the presence of the Director-General or a member of staff of Transport NSW authorised by the Director-General, and	33 34 35
(b)	with an attestation by the signature of the Director-General or that member of staff of the fact of the affixing of the seal.	36 37 38

(4)	Until its dissolution, the Public Transport Ticketing Corporation is taken to be a public transport agency for the purposes of section 3C (General functions of Director-General).	1 2 3
5	Delegation of functions of PTTC	4
(1)	The Public Transport Ticketing Corporation may delegate to an authorised person any of the functions of the Corporation, other than this power of delegation.	5 6 7
(2)	A delegate may subdelegate to an authorised person any function delegated by the Public Transport Ticketing Corporation if the delegate is authorised in writing to do so by the Corporation.	8 9 10
(3)	In this clause, <i>authorised person</i> means:	11
(a)	a member of staff of Transport NSW, or	12
(b)	a person of a class prescribed by the regulations or approved by the Director-General.	13 14
6	PTTC Fund	15
(1)	There is to continue in the Special Deposits Account a Public Transport Ticketing Corporation Fund.	16 17
(2)	The following is to be paid into the Public Transport Ticketing Corporation Fund:	18 19
(a)	all money received by or on account of the Public Transport Ticketing Corporation,	20 21
(b)	all money advanced to the Public Transport Ticketing Corporation by the Treasurer or appropriated by Parliament for the purposes of the Corporation,	22 23 24
(c)	all other money required by or under this or any other Act to be paid into the Fund.	25 26
(3)	The following is to be paid from the Public Transport Ticketing Corporation Fund:	27 28
(a)	all payments made on account of the Public Transport Ticketing Corporation or otherwise required to meet expenditure incurred in relation to the functions of the Corporation,	29 30 31 32
(b)	such amounts as the Treasurer considers to be surplus to the requirements of the Fund pending the dissolution of the Public Transport Ticketing Corporation,	33 34 35
(c)	all other payments required by or under this or any other Act to be paid from the Fund.	36 37

7 Annual report	1
A report under the <i>Annual Reports (Departments) Act 1985</i> in respect of Transport NSW may include any annual report required to be made in respect of the Public Transport Ticketing Corporation under the <i>Annual Reports (Statutory Bodies) Act 1984</i> .	2 3 4 5 6
8 Dissolution of PTTC	7
(1) The Governor may, by proclamation published on the NSW legislation website, appoint a day on which the Public Transport Ticketing Corporation is to be dissolved.	8 9 10
(2) On that day, the Public Transport Ticketing Corporation is dissolved and any assets, rights and liabilities of the Corporation become assets, rights and liabilities of the Crown.	11 12 13
(3) Schedule 4 applies to the transfer of the assets, rights and liabilities of the Public Transport Ticketing Corporation 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.	14 15 16 17 18
(4) Regulations of a savings and transitional nature may be made consequent on the dissolution of the Public Transport Ticketing Corporation.	19 20 21
[4] Schedules 10 and 11	22
Omit the Schedules.	23
5.2 Public Sector Employment and Management Act 2002 No 43	24
Schedule 1 Divisions of the Government Service	25
Omit the matter relating to the Public Transport Ticketing Corporation Division from Part 2.	26 27

Schedule 6	Amendments relating to Independent Transport Safety and Reliability Regulator	1
		2
		3
6.1	Transport Administration Act 1988 No 109	4
[1]	The whole Act, except Schedule 7 and where otherwise amended by this Act	5
	Omit “ITSRR” and “ITSRR’s” wherever occurring.	6
	Insert instead “ITSR” and “ITSR’s”, respectively.	7
[2]	Section 3 Definitions	9
	Omit the definitions of <i>Independent Transport Safety and Reliability Advisory Board</i> and <i>Independent Transport Safety and Reliability Regulator</i> from section 3 (1).	10
	Insert instead in alphabetical order:	11
	<i>Independent Transport Safety Advisory Board</i> means the Independent Transport Safety Advisory Board established under this Act.	12
	<i>Independent Transport Safety Regulator</i> means the Independent Transport Safety Regulator constituted under this Act.	13
[3]	Part 4A (headings to the Part and Divisions 2–4 and 6), sections 42A (definition of “Board”), 42B (1), 42T (1), 103, 107 (1) (a1), 111 (5) and 112 (2) (definition of “member of a transport authority”), Schedule 2A (Schedule heading and clause 1) and clause 16 (4) of Schedule 6A	19
	Omit “and Reliability” wherever occurring.	20
[4]	Section 42A Definitions	21
	Omit the definitions of <i>funded transport service</i> and <i>reliability</i> .	22
[5]	Section 42A	23
	Omit the definition of <i>ITSRR</i> . Insert instead:	24
	<i>ITSR</i> means the Independent Transport Safety Regulator.	25
[6]	Section 42C Objectives of ITSR	26
	Omit “and reliability as fundamental objectives” from section 42C (2) (b).	27
	Insert instead “as a fundamental objective”.	28
		29
		30
		31

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Schedule 6 Amendments relating to Independent Transport Safety and Reliability Regulator

[7] Section 42D General functions of ITSR	1
Omit section 42D (2) (c) and (e).	2
[8] Section 42D (2) (h)	3
Omit “or the reliability of funded transport services,”.	4
[9] Section 42E ITSR may advise on and monitor safety	5
Omit section 42E (1). Insert instead:	6
(1) The ITSR is to advise the Minister with respect to the performance of transport authorities in connection with the exercise of their functions relating to the safe operation of transport services.	7 8 9 10
[10] Section 42E (3)	11
Omit the subsection.	12
[11] Section 42F Auditing of transport authorities and owners and operators of transport services	13 14
Insert “, for the purposes of exercising its functions under this Part,” after “may” in section 42F (1).	15 16
[12] Section 42G Reports to Minister on performance	17
Omit “and reliability” from section 42G (1).	18
[13] Section 42I Power of ITSR to give directions relating to safe operation of transport services	19 20
Insert after section 42I (1):	21
(1A) Any such direction to the Director-General may be given only in relation to a function of a kind that was exercisable by the Director-General before the commencement of this subsection.	22 23 24
[14] Section 42I (2)	25
Omit “functions of the Ministry of Transport relating solely to the Ministry”.	26
Insert instead “functions of Transport NSW relating solely to Transport NSW”.	27 28
[15] Section 42P Limitations on Ministerial control of ITSR	29
Omit “or reliability” from section 42P (2) (d).	30

[16] Section 42P (2) (g)	1
Insert after section 42P (2) (f):	2
(g) the exercise of a function as a relevant safety regulator under section 3E.	3 4
[17] Section 42U General functions of Board	5
Omit “or the reliability of funded transport services” from section 42U (3).	6
6.2 Passenger Transport Act 1990 No 39	7
Section 6B	8
Insert at the end of Part 1:	9
6B Arrangements with ITSR for exercise of Director-General’s safety functions	10 11
(1) The Director-General and the Independent Transport Safety Regulator (<i>ITSR</i>) may enter into an arrangement for the ITSR to assist the Director-General in connection with the exercise of any of the Director-General’s transport safety functions under this Act.	12 13 14 15 16
(2) For the purposes of any such arrangement, the Director-General may delegate any of his or her functions under this Act to the ITSR and the ITSR may subdelegate to any member of staff of the ITSR any function delegated to the ITSR.	17 18 19 20
(3) Any such arrangement may make provision for the re-imbusement of the ITSR by the Director-General for the costs incurred in connection with the provision of assistance under the arrangement.	21 22 23 24
(4) In this section, <i>transport safety functions</i> include:	25
(a) functions relating to the assessment of the capacity of an accredited service operator (or of a prospective such operator) to meet the government’s standards of safety of passengers and the public, and	26 27 28 29
(b) functions relating to the safety management systems of accredited service operators, and	30 31
(c) functions relating to the drug and alcohol programs for employees of accredited service operators, and	32 33
(d) functions relating to any other conditions of accreditation of an accredited service operator that affect the safety of passengers and the public.	34 35 36

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Schedule 6 Amendments relating to Independent Transport Safety and Reliability Regulator

6.3 Public Finance and Audit Act 1983 No 152	1
Schedule 2 Statutory bodies	2
Omit “Independent Transport Safety and Reliability Regulator”.	3
Insert instead “Independent Transport Safety Regulator”.	4
6.4 Public Sector Employment and Management Act 2002 No 43	5
[1] Schedule 1 Divisions of the Government Service	6
Omit the matter relating to the Independent Transport Safety and Reliability Regulator Division from Part 2.	7
Insert instead:	8
Independent Transport Safety Regulator Division	9
Chief Executive of the Independent Transport Safety Regulator	
[2] Schedule 2 Executive positions (other than non-statutory SES positions)	10
Omit “and Reliability” from Part 2.	11

Schedule 7	Consequential and other amendments	1
7.1	Transport Administration Act 1988 No 109	2
[1]	Long title	3
	Omit the long title. Insert instead:	4
	An Act relating to the administration of transport; and for other purposes.	5
[2]	Section 3 Definitions	6
	Insert in alphabetical order in section 3 (1):	7
	<i>Advisory Council</i> means the Transport Advisory Council established under Part 5.	8 9
[3]	Section 3 (1), definitions of “Authority” and “officer”	10
	Omit the definitions.	11
[4]	Section 3 (1), definitions of “Ministerial Holding Corporation” and “Transport Administration Corporation”	12 13
	Omit the definitions.	14
[5]	Section 3 (1), definitions of “Roads and Traffic Advisory Council” and “Transport Advisory Group”	15 16
	Omit the definitions.	17
[6]	Section 3 (4)	18
	Omit the subsection.	19
[7]	Section 3A Metropolitan rail area	20
	Omit “the Ministry of Transport” from section 3A (1).	21
	Insert instead “Transport NSW”.	22
[8]	Section 3A (6)	23
	Omit the subsection.	24
[9]	Section 10 Other functions of RailCorp	25
	Omit section 10 (3).	26
[10]	Section 11 Acquisition of land by RailCorp	27
	Omit “portfolio Minister” from section 11 (4).	28
	Insert instead “Director-General”.	29

[11] Sections 11A (3), 35EA (3) and 100 (3)	1
Omit the subsections.	2
[12] Sections 16 (2) and 35K (2)	3
Omit “Officer” wherever occurring.	4
[13] Sections 17, 29, 35L and 49 (Ministerial control)	5
Omit the sections.	6
[14] Sections 17C–17E, 32–34, 35O–35Q, 51 and 52 (Subsidiary corporations etc)	7
	8
Omit the sections.	9
[15] Section 31 Corporate plans	10
Omit “(including the requirements of any direction by the Minister under section 29)” from section 31 (5).	11
	12
[16] Section 31 (6)	13
Omit the subsection.	14
[17] Section 35F Acquisition of land by Sydney Ferries	15
Omit “portfolio Minister” from section 35F (4).	16
Insert instead “Director-General”.	17
[18] Part 4 Director-General of the Ministry of Transport	18
Omit the Part.	19
[19] Section 42A Definitions	20
Omit paragraph (f) of the definition of <i>transport authority</i> .	21
[20] Section 42J Duties of authorities and owners and operators to co-operate with ITSr	22
	23
Omit “board and chief executive officer”.	24
Insert instead “chief executive”.	25
[21] Part 6, Division 2 Roads and Traffic Advisory Council	26
Omit the Division.	27
[22] Part 7, heading	28
Omit “certain”.	29

[23] Part 7, Division 1, heading	1
Omit “an Authority, Sydney Metro or ITSRR”.	2
Insert instead “certain authorities”.	3
[24] Section 56	4
Omit the section. Insert instead:	5
56 Application of Division	6
This Division applies to and in respect of such staff as are	7
employed under Chapter 1A of the <i>Public Sector Employment</i>	8
and <i>Management Act 2002</i> in a Division of the Government	9
Service (other than a Department within the meaning of that Act)	10
to enable any of the following bodies to exercise its functions:	11
(a) Roads and Traffic Authority,	12
(b) State Transit Authority,	13
(c) Independent Transport Safety Regulator,	14
(d) until their dissolution, Sydney Metro and the Public	15
Transport Ticketing Corporation.	16
[25] Sections 58 and 95	17
Omit the sections.	18
[26] Section 70 Payments into RailCorp Fund	19
Omit section 70 (b) and (c). Insert instead:	20
(b) all money advanced to RailCorp by the Treasurer, and	21
(c) all money:	22
(i) appropriated by Parliament for the purposes of	23
Transport NSW and allocated to RailCorp by the	24
Director-General, or	25
(ii) otherwise appropriated by Parliament for the	26
purposes of RailCorp, and	27

[27] Section 74 Payments into State Transit Authority Fund	1
Omit section 74 (b). Insert instead:	2
(b) all money advanced to the State Transit Authority by the Treasurer, and	3
	4
(b1) all money:	5
(i) appropriated by Parliament for the purposes of Transport NSW and allocated to the State Transit Authority by the Director-General, or	6
	7
	8
(ii) otherwise appropriated by Parliament for the purposes of the State Transit Authority, and	9
	10
[28] Section 78 Payments into Roads and Traffic Authority Fund	11
Omit section 78 (1) (a). Insert instead:	12
(a) all money:	13
(i) advanced to the Roads and Traffic Authority by the Treasurer, or	14
	15
(ii) appropriated by Parliament for the purposes of Transport NSW and allocated to the Roads and Traffic Authority by the Director-General, or	16
	17
	18
(iii) otherwise appropriated by Parliament for the purposes of the Roads and Traffic Authority,	19
	20
but excluding money advanced or appropriated for such non-capital expenditure as may be prescribed by the regulations, and	21
	22
	23
[29] Section 80E Payments into Sydney Ferries Fund	24
Omit section 80E (b) and (c). Insert instead:	25
(b) all money advanced to Sydney Ferries by the Treasurer, and	26
	27
(c) all money:	28
(i) appropriated by Parliament for the purposes of Transport NSW and allocated to Sydney Ferries by the Director-General, or	29
	30
	31
(ii) otherwise appropriated by Parliament for the purposes of Sydney Ferries, and	32
	33

[30] Section 81A	1
Insert before section 81:	2
81A Definition	3
In this Division:	4
<i>Authority</i> means any of the following:	5
(a) RailCorp,	6
(b) Roads and Traffic Authority,	7
(c) State Transit Authority,	8
(d) Sydney Ferries,	9
(e) Transport Construction Authority,	10
(f) Country Rail Infrastructure Authority,	11
(g) until its dissolution, the Public Transport Ticketing Corporation.	12
	13
[31] Section 88 Free or subsidised railway, bus or ferry travel	14
Omit “section 39” from section 88 (5). Insert instead “section 104EA”.	15
[32] Sections 93 (6) (definition of “authorised officer”) and 96 and clauses 6 (1) (b) and 7 (3) of Schedule 6A	16
Omit “chief executive officer” wherever occurring.	17
Insert instead “chief executive”.	18
	19
[33] Section 94 Transfers of assets, rights and liabilities	20
Omit “the Transport Administration Corporation,” from the definition of <i>rail authority</i> in section 94 (6).	21
	22
[34] Section 96 Person may be chief executive of more than one authority	23
Omit “a member of the board of one or more rail authorities or”.	24
[35] Part 9, Division 1C Delegation by Minister	25
Omit the Division.	26
[36] Section 101 Acquisition of land	27
Insert after section 101 (3):	28
(3A) The State Transit Authority may not give a proposed acquisition notice under the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> without the approval of the Director-General.	29
	30
	31

[37] Sections 104A–104C	1
Omit the sections.	2
[38] Section 104D Transport Administration Corporation	3
Omit the section.	4
[39] Section 104EA	5
Insert after section 104E:	6
104EA Government subsidised travel schemes	7
(1) The Director-General is to administer, or arrange for the administration of, any scheme approved by the Minister for Government subsidised travel on passenger services.	8 9 10
(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 subsection applies despite any approval or direction of the Minister or the <i>Anti-Discrimination Act 1977</i> .	11 12 13 14
(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.	15 16 17
[40] Section 104F Sale, lease or other disposal of land	18
Omit section 104F (2).	19
[41] Section 104G	20
Omit the section. Insert instead:	21
104G Acquisition of land	22
(1) The Director-General may, for the purpose of the exercise of the Director-General’s functions, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> .	23 24 25 26
(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 the Director-General to exercise his or her functions in relation to land under this Act.	27 28 29 30
(3) An acquisition of land under this section is not void merely because it is expressed to be for the purposes of exercising the functions of the Director-General or for the purposes of this Act.	31 32 33
(4) Without limiting the generality of this section, the purposes for which land may be acquired under this section include acquiring	34 35

	land for future use for transport infrastructure or services referred to in section 3C.	1 2
[42]	Section 104J Annual reporting requirements	3
	Omit the section.	4
[43]	Section 104V Resolution of disputes concerning routes of light rail systems	5 6
	Omit section 104V (1). Insert instead:	7
	(1) This section applies to a dispute between the relevant Ministers about a recommendation under section 104N relating to the declaration of a route of a light rail system.	8 9 10
[44]	Section 104V (2)	11
	Omit “the Ministry of Transport”. Insert instead “Transport NSW”.	12
[45]	Section 104V (3)	13
	Omit the subsection.	14
[46]	Section 107 Definition of “transport authority”	15
	Omit section 107 (1) (d).	16
[47]	Section 107 (3)	17
	Insert after section 107 (2):	18
	(3) In sections 110, 112, 113 and 115, a reference to a transport authority includes a reference to the Director-General.	19 20
[48]	Section 109 Seals of Authorities	21
	Omit “(including the ITSRR)”.	22
[49]	Section 109 (2)	23
	Insert at the end of the section:	24
	(2) In this section:	25
	<i>Authority</i> means any of the following:	26
	(a) RailCorp,	27
	(b) Roads and Traffic Authority,	28
	(c) State Transit Authority,	29
	(d) Sydney Ferries,	30
	(e) Transport Construction Authority,	31

	(f) Country Rail Infrastructure Authority,	1
	(g) Independent Transport Safety Regulator.	2
[50]	Section 111 Referral of disputes	3
	Insert after section 111 (1):	4
	(1A) If any dispute with respect to the carrying out of the functions of the Director-General under this Act arises between the Director-General and a public authority (other than a transport authority), either party may refer the matter to the Minister.	5 6 7 8
[51]	Section 111 (2)	9
	Omit “to the dispute”. Insert instead “to a dispute under this section”.	10
[52]	Section 112 Personal liability of certain persons	11
	Omit the definition of <i>transport authority</i> from section 112 (2). Insert instead:	12
	<i>transport authority</i> includes:	13
	(a) the Independent Transport Safety Advisory Board, and	14
	(b) the Chief Investigator.	15
[53]	Section 113 Presumption of validity	16
	Insert “or the Director-General” after “the Minister” in section 113 (1).	17
[54]	Part 9, Division 7 State Rail Authority	18
	Omit the Division.	19
[55]	Schedule 1 Constitution and procedure of Boards	20
	Omit the Schedule.	21
[56]	Schedule 2 Provisions relating to Chief Executives	22
	Omit the definition of <i>Chief Executive</i> from clause 1. Insert instead:	23
	<i>Chief Executive</i> means the Chief Executive of any of the following bodies:	24 25
	(a) RailCorp,	26
	(b) Roads and Traffic Authority,	27
	(c) State Transit Authority,	28
	(d) Sydney Ferries,	29
	(e) Transport Construction Authority,	30
	(f) Country Rail Infrastructure Authority.	31

[57] Schedule 2, clause 1A	1
Insert at the end of the clause:	2
(2) This clause is subject to clauses 164 and 175 of Schedule 7.	3
[58] Schedule 2, clause 3	4
Omit “Minister” wherever occurring. Insert instead “Director-General”.	5
[59] Schedule 3, heading	6
Omit “Group and Roads and Traffic Advisory”.	7
[60] Schedule 3	8
Omit “(Sections 43 (3), 54 (3))”.	9
[61] Schedule 3, clause 1	10
Omit the clause. Insert instead:	11
1 Definition	12
In this Schedule:	13
<i>member</i> means an ex-officio or appointed member of the	14
Advisory Council.	15
[62] Schedule 3, clause 3	16
Omit the clause. Insert instead:	17
3 Chairperson of Advisory Council	18
(1) Of the appointed members of the Advisory Council, one is (in	19
and by the member’s instrument of appointment or in and by	20
another instrument executed by the Minister) to be appointed as	21
Chairperson of the Advisory Council.	22
(2) The Minister may remove a member from the office of	23
Chairperson of the Advisory Council at any time.	24
(3) A person who is a member and Chairperson of the Advisory	25
Council vacates office as Chairperson if the person:	26
(a) is removed from that office by the Minister, or	27
(b) resigns that office by instrument in writing addressed to	28
the Minister, or	29
(c) ceases to be a member.	30
[63] Schedule 3, clauses 4 (3), 7 (1) (e) and 10–14	31
Omit “an Advisory” wherever occurring. Insert instead “the Advisory”.	32

[64] Schedule 3, clause 9A	1
Insert after clause 9:	2
9A Personal liability	3
A matter or thing done or omitted to be done by the Advisory Council, a member of the Advisory Council or a person acting under the direction of the Advisory Council does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing this or any other Act, subject a member or a person so acting personally to any action, liability, claim or demand.	4 5 6 7 8 9 10
[65] Schedule 4 Transfer of assets, rights and liabilities	11
Omit “(Section 94)”.	12
[66] Schedule 4, clause 2 (1)	13
Insert at the end of the subclause:	14
Note. A transfer under clause 180 of Schedule 7, clause 8 of Schedule 8A and clause 8 of Schedule 9 also operates as if it were an order to which this Schedule applies.	15 16 17
[67] Schedule 5 Extended leave for certain staff	18
Omit “(Section 58)”.	19
[68] Schedule 5, clause 2	20
Omit the definition of <i>Authority</i> . Insert instead:	21
<i>Authority</i> means any of the following:	22
(a) RailCorp,	23
(b) Roads and Traffic Authority,	24
(c) State Transit Authority,	25
(d) Sydney Ferries,	26
(e) Transport Construction Authority,	27
(f) Country Rail Infrastructure Authority,	28
(g) Independent Transport Safety Regulator,	29
(h) until their dissolution, Sydney Metro and the Public Transport Ticketing Corporation.	30 31
[69] Schedule 6 Transfer of certain staff	32
Omit the Schedule.	33

[70]	Schedule 7 Savings, transitional and other provisions	1
	Insert at the end of clause 2 (1):	2
	<i>Transport Administration Amendment Act 2010</i>	3
[71]	Schedule 7, clauses 106 and 138	4
	Omit the clauses.	5
[72]	Schedule 7, Part 19	6
	Insert after Part 18:	7
	Part 19 Provisions consequent on enactment of Transport Administration Amendment Act 2010	8 9 10
174	References to Department of Transport and Infrastructure	11
	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 Department of Transport and Infrastructure is to be construed as a reference to Transport NSW.	12 13 14 15
175	Existing chief executives of transport agencies	16
(1)	The person holding office as the chief executive (however described) of any of the following bodies immediately before the commencement of this clause is taken to have been appointed by the Director-General, for the balance of the person's term of appointment, as the chief executive of the body in respect of which the person formerly held office as chief executive:	17 18 19 20 21 22
(a)	RailCorp,	23
(b)	Roads and Traffic Authority,	24
(c)	State Transit Authority,	25
(d)	Sydney Ferries.	26
(2)	The person holding office as the chief executive officer of Transport Infrastructure Development Corporation immediately before the commencement of this clause is taken to have been appointed by the Director-General, for the balance of the person's term of appointment, as the chief executive of the Transport Construction Authority:	27 28 29 30 31 32
(a)	with the same remuneration as that payable to the person immediately before that commencement, and	33 34

-
- (b) on such other terms and conditions relating to that previous appointment as the Director-General determines after consultation with the Director of Public Employment. 1
2
3
 - (3) The person holding office as the chief executive officer of Rail Infrastructure Corporation immediately before the commencement of this clause is taken to have been appointed by the Director-General, for the balance of the person's term of appointment, as the chief executive of the Country Rail Infrastructure Authority: 4
5
6
7
8
9
 - (a) with the same remuneration as that payable to the person immediately before that commencement and, 10
11
 - (b) on such other terms and conditions relating to that previous appointment as the Director-General determines after consultation with the Director of Public Employment. 12
13
14
 - (4) The person holding office as the chief executive officer of Sydney Metro immediately before the commencement of this clause ceases to hold that office. 15
16
17
 - (5) The person holding office as the chief executive officer of the Public Transport Ticketing Corporation immediately before the commencement of this clause ceases to hold that office. 18
19
20
 - (6) No compensation or remuneration is payable to any person as a consequence of: 21
22
 - (a) the person ceasing to hold any office, or 23
 - (b) the effect on a person's existing contract of employment, because of the operation of this clause. 24
25
 - (7) Except as provided by this clause and clause 164, the continuation of a person's appointment under this clause is subject to Part 3.1 of the *Public Sector Employment and Management Act 2002*. 26
27
28
29
 - 176 Existing Boards of transport agencies** 30
 - (1) In this clause: 31
 - existing Board* means any of the following as constituted under this Act immediately before the commencement of this clause: 32
33
 - (a) RailCorp Board, 34
 - (b) State Transit Authority Board, 35
 - (c) Sydney Ferries Board, 36
 - (d) Public Transport Ticketing Corporation Board, 37
 - (e) Sydney Metro Board, 38

(f)	board of directors of Transport Infrastructure Development Corporation,	1
(g)	board of directors of Rail Infrastructure Corporation.	2
(2)	Each existing Board is abolished.	3
(3)	A person who, immediately before the commencement of this clause, held office as a member of an existing Board:	4
(a)	ceases to hold that office, and	5
(b)	is not entitled to any remuneration or compensation because of the loss of that office.	6
177	Existing Advisory Councils	7
(1)	In this clause:	8
	<i>existing Advisory Council</i> means the Transport Advisory Group or the Roads and Traffic Advisory Council as constituted under this Act immediately before the commencement of this clause.	9
(2)	Each existing Advisory Council is abolished.	10
(3)	A person who, immediately before the commencement of this clause, held office as an appointed member of an existing Advisory Council:	11
(a)	ceases to hold that office, and	12
(b)	is not entitled to any remuneration or compensation because of the loss of that office, but is eligible to be appointed as a member of the Transport Advisory Council established under Part 5 of this Act.	13
178	Existing subsidiary corporations of transport authorities	14
(1)	Each subsidiary corporation constituted under a provision of this Act immediately before the repeal of that provision by the <i>Transport Administration Amendment Act 2010</i> is, subject to the regulations, taken to be constituted under Part 6B (as inserted by that Act) as a subsidiary corporation of the transport authority in respect of which the subsidiary corporation was previously constituted.	15
(2)	Without limiting the operation of subclause (1), Western Sydney Buses is, on the repeal of section 33 by the <i>Transport Administration Amendment Act 2010</i> , taken to have been constituted as a public subsidiary corporation of the State Transit Authority by the regulations under section 55C (as inserted by that Act).	16

179	Existing delegations of functions under Passenger Transport Act 1990	1 2
	Any delegation by the Director-General under this Act of the Director-General's functions under the <i>Passenger Transport Act 1990</i> is taken to have been delegated under section 62A of that Act (as inserted by the <i>Transport Administration Amendment Act 2010</i>).	3 4 5 6 7
180	Abolition of Transport Administration Corporation	8
	(1) The Transport Administration Corporation is abolished.	9
	(2) The assets, rights and liabilities of the Transport Administration Corporation are, on the abolition of the Corporation, transferred to the Crown.	10 11 12
	(3) Schedule 4 applies to the transfer of the assets, rights and liabilities of the Transport Administration Corporation 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.	13 14 15 16 17
[73]	Schedule 8 SRA Residual Holding Corporation	18
	Omit "(Section 128)".	19
[74]	Schedule 8, clause 23	20
	Omit the clause.	21
7.2	Electricity (Consumer Safety) Act 2004 No 4	22
	Section 3 Definitions	23
	Insert after paragraph (b) of the definition of <i>electricity supply authority</i> in section 3 (1):	24 25
	(b1) Rail Corporation New South Wales, and	26
7.3	Local Government Act 1993 No 30	27
	Section 555 What land is exempt from all rates?	28
	Omit section 555 (1) (g1). Insert instead:	29
	(g1) land that is vested in or owned by a public transport agency (within the meaning of section 3C of the <i>Transport Administration Act 1988</i>) and in, on or over which rail infrastructure facilities (within the meaning of that Act) are installed,	30 31 32 33 34

7.4 Passenger Transport Act 1990 No 39	1
[1] Section 3 Definitions	2
Omit the definitions of <i>Department</i> and <i>Director-General</i> from section 3 (1).	3
Insert instead in alphabetical order:	4
<i>Director-General</i> means the Director-General of Transport NSW.	5 6
[2] Section 46W Appointment of authorised officers	7
Omit “the Department” from section 46W (1).	8
Insert instead “Transport NSW”.	9
[3] Section 62A	10
Insert after section 62:	11
62A Delegation of Director-General's functions	12
(1) The Director-General may delegate to an authorised person any of the Director-General's functions under this Act, other than this power of delegation.	13 14 15
(2) A delegate may subdelegate to an authorised person any function delegated by the Director-General if the delegate is authorised in writing to do so by the Director-General.	16 17 18
(3) In this section, <i>authorised person</i> means:	19
(a) a member of staff of Transport NSW, or	20
(b) a person of a class prescribed by the regulations.	21
7.5 Public Finance and Audit Act 1983 No 152	22
Schedule 3 Departments	23
Omit the matter relating to the Department of Transport and Infrastructure.	24
Insert instead:	25
Transport NSW	Director-General of Transport NSW

7.6 Public Sector Employment and Management Act 2002 No 43	1
[1] Section 6 The Public Service	2
Insert after section 6 (2):	3
(3) If a branch of any such Division is specified in Part 3 of Schedule 1, that branch is not part of the Public Service of New South Wales.	4 5 6
[2] Section 63 Definitions	7
Omit the definition of <i>public authority</i> from section 63 (1). Insert instead:	8
<i>public authority</i> means an authority which is established by or under an Act and which is (or whose governing authority is) constituted by persons appointed by (or with the approval of) the Governor or a Minister, but does not include the Teaching Service, the Government Service, the NSW Health Service or the NSW Police Force.	9 10 11 12 13 14
[3] Section 63 (1), definition of “remuneration package”	15
Insert “, subject to subsection (4),” after “means”.	16
[4] Section 63 (2) (a)	17
Insert “(other than a chief executive officer referred to in paragraph (a1))” after “officer”.	18 19
[5] Section 63 (2) (a1)	20
Insert after section 63 (2) (a):	21
(a1) in the case of a chief executive officer appointed as the chief executive of Rail Corporation New South Wales, the Roads and Traffic Authority, the State Transit Authority, Sydney Ferries, the Transport Construction Authority or the Country Rail Infrastructure Authority—the Director-General of Transport NSW, or	22 23 24 25 26 27
[6] Section 63 (4)	28
Insert after section 63 (3):	29
(4) For the purposes of this Part, the <i>remuneration package</i> for a chief executive officer to whom subsection 2 (a1) applies is the remuneration package determined by the Director-General of Transport NSW with the concurrence of the Director of Public Employment.	30 31 32 33 34

[7] Schedule 1 Divisions of the Government Service	1
Omit “a statutory corporation” from the note at the beginning of Part 3.	2
Insert instead “an agency”.	3
[8] Schedule 2 Executive positions (other than non-statutory SES positions)	4
Insert after the position of Chief Executive of RailCorp in Part 2 (Chief executive positions (heads of public authorities)):	5
Chief Executive of the Transport Construction Authority	6
Chief Executive of the Country Rail Infrastructure Authority	7
7.7 Public Sector Employment and Management (Departmental Amalgamations) Order 2009	9
Clause 35 Transfer of certain staff to new Department	10
Omit the clause.	11
	12