



New South Wales

Transport Administration Amendment Bill 2024

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Transport Administration Act 1988* (the *Principal Act*) as follows—

- (a) to enable Transport for NSW (*TfNSW*) to promote active transport and improve the activation of public spaces,
- (b) to convert the Transport Asset Holding Entity of New South Wales (*TAHE*) into the Transport Asset Manager New South Wales (*TAM*) and provide for TAM's functions.

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 **Amendment of Transport Administration Act 1988 No 109**

Schedule 1.1 Amendments relating to active transport and activation of public spaces

Schedule 1.1[1] inserts definitions to facilitate the object of the proposed Act, including definitions of *active transport* and *activation*.

Schedule 1.1[2] provides that the objectives of TfNSW include—

- (a) the promotion of active transport and its integration with other modes of transport, and
- (b) the improvement of the activation of public spaces.

Schedule 1.1[3] inserts proposed Part 2B into the Principal Act, Schedule 1 to provide for further functions of TfNSW in relation to active transport and public spaces. An **active transport and activation purpose** includes promoting active transport, promoting mode shifting to active transport from other modes of transport and improving the activation of public spaces. TfNSW may do the following for an active transport and activation purpose—

- (a) develop, conduct, implement and co-ordinate programs, projects, strategies and campaigns,
- (b) develop, implement and co-ordinate plans and proposals,
- (c) conduct and co-ordinate activities,
- (d) allocate resources,
- (e) develop and implement new technology,
- (f) evaluate matters set out in paragraphs (a)–(e).

Proposed Part 2B sets out circumstances in which TfNSW may provide advice, assistance and administer schemes for an active transport and activation purpose.

Schedule 1.2 Amendments relating to Transport Asset Manager

Schedule 1.2[10] substitutes the Principal Act, Part 2.

Proposed Division 1 changes the corporate name of the Transport Asset Holding Entity of New South Wales to the Transport Asset Manager of New South Wales and makes it clear that the body is a NSW Government agency and, for all purposes including rules of private international law, continues in existence under its new name so that its identity is not affected. **Schedule 1.2[2], [11], [12], [20]–[24], [29]–[33] and [36]–[44]** make consequential amendments.

The proposed division also provides that the objectives of TAM are to—

- (a) undertake its activities in a safe and reliable way, and
- (b) be a successful business, including by operating at least as effectively as comparable businesses and maximising the net worth of the State's investment, and
- (c) exhibit a sense of social responsibility by having regard to the interests of the community, and
- (d) conduct its operations in compliance with principles of ecologically sustainable development, and
- (e) exhibit a sense of responsibility towards regional development and decentralisation in the way in which TAM operates, and
- (f) exercise its functions in a way consistent with other public transport agencies.

Proposed Division 2 provides for the various functions of TAM. With the approval of the Minister administering the Principal Act (the **Minister**), TAM may also—

- (a) dispose of vehicles, vessels, wharves, engines, carriages, plant, machinery or equipment vested in or owned by TAM, and
- (b) carry out functions outside of the State, and
- (c) carry out, finance, develop, manage or otherwise participate in the development for residential, retail, commercial, industrial, mixed use, community, public open space or recreational purposes on land vested in it, or to be vested or owned by it.

The proposed division provides that TAM may acquire land for the purposes of TAM, or acquire land to enable TAM to exercise its functions in relation to land.

Proposed Division 3 provides for the appointment of a Chief Executive of TAM by the Minister. The Chief Executive is to manage the affairs of TAM on the direction of the Minister. The proposed division establishes a TAM advisory board (the **Advisory Board**), consisting of the Transport Secretary and 3 to 7 board members appointed by the Minister who, in the Minister's

opinion, will assist TAM to achieve its objectives. The Advisory Board is to provide advice to TAM on the matters referred to it by TAM and to the Minister on matters referred to it by the Minister. The Chief Executive of TAM must not be appointed as a member of the Advisory Board, but may be invited by the Advisory Board to attend meetings. **Schedule 1.2[34] and [35]** make consequential amendments.

Proposed Division 4 provides that TAM must, at least 3 months before the beginning of each financial year, prepare and give to the Minister a draft corporate plan for the financial year, consider comments on the draft corporation plan made by the Minister within 2 months, and give the completed corporate plan to the Minister before the beginning of the financial year. The proposed division provides that TAM may delegate any of its functions to an authorised person. **Schedule 1.2[1] and [5]–[7]** make consequential amendments.

Schedule 1.2[3] and [4] makes it clear that TAM and the Chief Executive of TAM are subject to the control and direction of Minister.

Schedule 1.2[8] provides that TAM is authorised to disclose information held by it to TfNSW if the disclosure is for the purpose of assisting TfNSW to exercise its functions under the Principal Act. **Schedule 1[9]** makes a consequential amendment.

Schedule 1.2[13], [14], [19], [25]–[28] make it clear that a *transport authority* under the Principal Act includes TAM.

Schedule 1.2[15] provides that the Government of New South Wales may employ persons in the Transport Service to enable TAM to exercise its functions. **Schedule 1.2[16] and [17]** make consequential amendments.

Schedule 1.2[18] inserts proposed Part 8, Division 1 to establish a Special Deposits Account fund (the *TAM Fund*) and provides for money to be paid into or from the TAM Fund.

Schedule 1.3 Savings and transitional amendment

Schedule 1.3 contains a savings and transitional amendment.

Schedule 2 Consequential amendment of other legislation

Schedules 2.1–2.5 omit references to TAHE in various Acts, and insert instead references to TAM.

Schedule 2.6 omits the reference to TAHE in the *State Owned Corporations Act 1989*, Schedule 5 to provide that TAM, as the successor of TAHE, is not a statutory State owned corporation.