



New South Wales

Transport Administration Amendment (NSW Motorways) 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 Act*) to establish NSW Motorways and provide for its functions, management and status and to make related amendments to the *Roads Act 1993*.

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] inserts definitions of *NSW Motorways*, *toll operator*, *toll road* and *toll service provider*.

Schedule 1[10] inserts proposed Part 3E.

Division 1 of the proposed part establishes NSW Motorways as a corporation and a NSW government agency.

Division 2 of the proposed part provides that the principal objective of NSW Motorways is to deliver safe and reliable toll roads and toll road services in an efficient, effective and financially responsible manner. The proposed division also sets out other objectives of NSW Motorways.

Division 3 of the proposed part sets out the functions of NSW Motorways.

Division 4 of the proposed part provides for the management of NSW Motorways, including the role of the Chief Executive of NSW Motorways, the supply of information to the Minister for Roads (the *Minister*), when NSW Motorways' functions may be delegated and when information may be collected, used and disclosed.

Schedule 1[2]–[6], [9], [11]–[14] and [17]–[24] make consequential amendments.

Schedule 1[7] provides that NSW Motorways—

- (a) is authorised to delegate a function of NSW Motorways to Transport for NSW (*TfNSW*), and
- (b) may accept a delegation of the functions of TfNSW.

Schedule 1[8] provides that NSW Motorways may disclose information held to TfNSW if the disclosure is for the purpose of assisting TfNSW to exercise its functions under the Act or another Act.

Schedule 1[15] provides that a reference in the Act or another instrument to an officer or employee of NSW Motorways must be read as a reference to a person employed in the Transport Service to enable NSW Motorways to exercise its functions.

Schedule 1[16] inserts proposed Part 8, Division 3AD, which establishes the NSW Motorways Fund in the Special Deposits Account. The proposed division also sets out the money that must be paid into and from the NSW Motorways Fund.

Schedule 1[25] inserts a transitional provision consequent on the enactment of the proposed Act.

Schedule 2 Amendment of Roads Act 1993 No 33

Schedule 2[1] substitutes section 7 to provide that NSW Motorways is the roads authority for a toll road vested in it.

Schedule 2[2]–[5] make consequential amendments.

Schedule 2[6] inserts proposed Part 15A. The proposed part provides that the Minister may, by order published in the Gazette, approve a tollway ombudsman scheme to deal with disputes and complaints between toll road customers and toll operators. The proposed part sets out the requirements for the scheme and makes it an offence for a toll operator to fail to comply with a decision of the tollway ombudsman. The maximum penalty is 25 penalty units for an individual and 100 penalty units in another case.

The proposed part also sets out the functions of the Independent Pricing and Regulatory Tribunal for the investigation and reporting of matters relating to toll roads in the State.

Schedule 2[7] provides that a *toll operator* includes NSW Motorways.

Schedule 2[8] inserts a definition of *toll road*.