Received by: TC
Date: 4/8/26
Time: 5.17pm
LEGISLATIVE COUNCIL

c2026-033K
GOVT--Government

LEGISLATIVE COUNCIL

Roads Legislation Amendment (NSW Motorways) Bill 2025

First print

Proposed amendments

No. 1 **Commencement**

Page 2, clause 2, lines 5–7. Omit all words on the lines. Insert instead—

This Act commences as follows—

(a) for Schedule 1[1]–[6], [16]–[21] and Schedules 2 and 3—on the date of assent to this Act,

(b) otherwise—on a day or days to be appointed by proclamation.

No. 2 **Reports about how scheme meets its objectives**

Page 4, Schedule 1. Insert after line 20—

[14A] Section 261A(11A)

Insert after section 261A(11)—

(11A) A report under subsection (11) must be tabled in each House of Parliament within 3 months after the report is given to the Minister.

No. 3 **Annual reports and corporate plans**

Page 4, Schedule 1. Insert after line 34—

[15A] Sections 261AA and 261AB

Insert after section 261A—

261AA Annual report

(1) As soon as practicable after 30 June but no later than 30 October each year, the tollway ombudsman must give the Minister an annual report on the tollway ombudsman's activities during the financial year ending on 30 June.

(2) The Minister must, within 30 days after being given an annual report, ensure a copy of the annual report is tabled in each House of Parliament.

(3) The annual report must include information about the following—

(a) the annual expenditure and revenue of the tollway ombudsman,

(b) meetings held between the tollway ombudsman and toll entities,

(c) details of community engagement activities undertaken by the tollway ombudsman, including details of the volume and type of correspondence undertaken by the tollway ombudsman,

(d) the performance of the tollway ombudsman as measured against targets and criteria specified for the tollway ombudsman in the corporate plan,

(e) the number of the following during the financial year—

(i) active disputes and complaints,

(ii) closed disputes and complaints,

(iii) determinations made under the tollway ombudsman scheme,

(f) a list of the toll entities the tollway ombudsman dealt with, including details of the following for each toll entity—

(i) active disputes and complaints,

(ii) closed disputes and complaints,

(iii) determinations made under the tollway ombudsman scheme,

(g) the total monetary value of determinations made under the tollway ombudsman scheme during the financial year, including—

(i) the total monetary value of disputes and complaints under the scheme, and

(ii) the total amount returned to toll road customers under the scheme.

(4) To avoid doubt, this section extends to require the tollway ombudsman to give the Minister an annual report on the tollway ombudsman's activities during the financial year ending on 30 June 2026.

261AB Corporate plan

(1) The tollway ombudsman must, before the beginning of each financial year, prepare a corporate plan for the financial year.

(2) The corporate plan must—

(a) be made in accordance with the regulations, and

(b) be consistent with the approved tollway ombudsman scheme, and

(c) specify the following—

(i) the activities of the tollway ombudsman,

(ii) the objectives of each activity for the financial year and for following financial years,

(iii) the targets and criteria for assessing the tollway ombudsman's performance,

(iv) the status of toll disputes and resolutions undertaken by the tollway ombudsman,

(v) opportunities to improve the toll dispute resolution mechanisms of toll entities,

(vi) other matters prescribed by the regulations.

(3) The tollway ombudsman must, as far as practicable, exercise the tollway ombudsman's functions in accordance with the corporate plan.

(4) As soon as practicable after 1 July but no later than 30 October in each year, the tollway ombudsman must give the corporate plan to the Minister.

(5) The Minister must, within 30 days after being given a corporate plan, ensure a copy of the corporate plan is tabled in each House of Parliament.

(6) The tollway ombudsman must prepare the tollway ombudsman's first corporate plan under this section within the period after the commencement of this section approved by the Minister.

No. 4 **Annual reports and corporate plans**

Page 10, Schedule 2[10], proposed Part 3E, Division 5. Insert after line 29—

39M Annual report

(1) The Customer Advocate must give the Minister and NSW Motorways an annual report on the Customer Advocate's activities each financial year.

(2) NSW Motorways must include the Customer Advocate's annual report in annual reporting information prepared under the *Government Sector Finance Act 2018*.

(3) The annual report must include information about the following—

(a) the implementation of toll reform by Government and industry, including correspondence and reports given to the Minister,

(b) the annual expenditure of the Customer Advocate on the customer advocacy functions undertaken by the Customer Advocate,

(c) meetings held between the Customer Advocate and toll operators,

(d) details of community engagement activities undertaken by the Customer Advocate, including details of the volume and type of correspondence undertaken by the Customer Advocate,

(e) the performance of the Customer Advocate as measured against targets and criteria specified for the Customer Advocate in the corporate plan,

(f) a copy of each recommendation or report given to the Minister under section 39L(1)(d) during the financial year.

(4) To avoid doubt, this section extends to require the Customer Advocate to give the Minister and NSW Motorways an annual report on the Customer Advocate's activities during the financial year ending on 30 June 2026.

39N Corporate plan

(1) The Customer Advocate must, before the beginning of each financial year, prepare a corporate plan for the financial year and give the plan to NSW Motorways.

(2) NSW Motorways must include the Customer Advocate's corporate plan—

(a) in the completed corporate plan for NSW Motorways given to TfNSW before the beginning of the financial year under section 39H(2)(b), and

(b) in annual reporting information prepared under the *Government Sector Finance Act 2018*.

(3) The corporate plan must—

(a) be made in accordance with the regulations, and

(b) specify the following—

(i) the activities of the Customer Advocate,

(ii) the objectives of each activity for the financial year and for following financial years,

(iii) the strategies, policies and budgets for achieving the objectives in relation to each activity,

(iv) the targets and criteria for assessing the Customer Advocate's performance,

(v) the status of toll reform activities undertaken by the Customer Advocate,

(vi) opportunities for toll reform,

(vii) other matters prescribed by the regulations.

(4) The Customer Advocate must, as far as practicable, exercise the Customer Advocate's functions in accordance with the corporate plan.

(5) The Customer Advocate must prepare the Customer Advocate's first corporate plan under this section within the period after the commencement of this section approved by the Minister.