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OPP--Opposition

LEGISLATIVE COUNCIL

Roads Legislation Amendment (NSW Motorways) Bill 2025

First print

Proposed amendments

No. 1 **Tollway ombudsman's reports**

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 was given to the Minister.

No. 2 **Tollway ombudsman's annual report and corporate plan**

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 in each year, the tollway ombudsman must give the Minister an annual report on the tollway ombudsman's activities during the financial year ending on that date.
- (2) The Minister must ensure a copy of each annual report is tabled in each House of Parliament by 30 July each year.
- (3) The annual report must include information about the following—
 - (a) the effect of the implementation of the tollway ombudsman scheme on disputes and complaints between toll road customers and toll entities,
 - (b) the annual expenditure and revenue of the tollway ombudsman,
 - (c) the dates of meetings held between the tollway ombudsman and toll entities,
 - (d) details of community engagement activities undertaken by the tollway ombudsman, including details of the volume and type of correspondence undertaken by the tollway ombudsman,
 - (e) the performance of the tollway ombudsman as measured against targets and criteria specified for the tollway ombudsman in the corporate plan,

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- (f) 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,
 - (g) 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,
 - (h) the monetary value of disputes and complaints dealt with under the tollway ombudsman scheme during the financial year, including—
 - (i) the total monetary value of disputes and complaints under the scheme during the financial year, and
 - (ii) the total amount returned to toll road customers under the scheme during the financial year,
 - (i) a list of determinations made under the scheme, separately identifying determinations about toll road customers and toll entities.

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) specify the following—
 - (i) the separate activities of the tollway ombudsman, including the separate commercial and non-commercial activities of the tollway ombudsman,
 - (ii) the objectives of each separate 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 in each year, the tollway ombudsman must give the corporate plan to the Minister.
- (5) The Minister must ensure a copy of each corporate plan is tabled in each House of Parliament by 30 July each year.
- (6) To avoid doubt, this section does not apply in relation to the financial year ending 30 June 2026.

No. 3 **Customer advocate**

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

39M Annual report

- (1) As soon as practicable after 30 June in each year, the Customer Advocate must give the Minister an annual report on the Customer Advocate's activities during the financial year ending on that date.
- (2) The Minister must ensure a copy of each annual report is tabled in each House of Parliament by 30 July each year.
- (3) The annual report must include information about the following—
 - (a) the implementation of toll reform by government and industry, including correspondence and reports provided to the Minister,
 - (b) the annual expenditure of the Customer Advocate on the customer advocacy functions undertaken by the Customer Advocate,
 - (c) the dates of 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.

39N Corporate plan

- (1) The Customer Advocate 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) specify the following—
 - (i) the separate activities of the Customer Advocate, including the separate commercial and non-commercial activities of the Customer Advocate,
 - (ii) the objectives of each separate activity for the financial year and for following financial years,
 - (iii) the strategies, policies and budgets for achieving the objectives in relation to each separate 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.
- (3) The Customer Advocate must, as far as practicable, exercise its functions in accordance with the corporate plan.
- (4) As soon as practicable after 1 July in each year, the Customer Advocate must give the corporate plan to the Minister.
- (5) The Minister must ensure a copy of each corporate plan is tabled in each House of Parliament by 30 July each year.
- (6) To avoid doubt, this section does not apply in relation to the financial year ending 30 June 2026.

No. 4

Directions to suspend debt recovery

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

390 Directions to suspend debt recovery

- (1) The Customer Advocate may, by written notice, direct a toll entity to suspend debt recovery action against a toll road customer the Customer Advocate is assisting under section 39L.
- (2) The toll entity must not contravene the direction.
Maximum penalty—100 penalty units.