



New South Wales

Roads Legislation Amendment (NSW Motorways) Bill 2026

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2026



New South Wales

Roads Legislation Amendment (NSW Motorways) Bill 2026

Act No , 2026

An Act to amend the *Roads Act 1993* to make further provision about NSW Motorways and toll roads; to amend the *Transport Administration Act 1988* to make provision for a toll road customer advocate; to repeal the *Transport Administration Amendment (NSW Motorways) Act 2024*; and for related purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Roads Legislation Amendment (NSW Motorways) Act 2026*.

2 Commencement

This Act commences as follows—

- (a) for Schedule 1[1]–[6], [19]–[24] 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.

Schedule 1 Amendment of Roads Act 1993 No 33

[1] Section 7 Roads authorities

Insert after section 7(4)—

- (4A) NSW Motorways is the roads authority for all tollways vested in or otherwise owned by NSW Motorways.

[2] Section 32B Definitions

Insert after section 32B(1), definition of *notifiable authority*, paragraph (e1)—

- (e2) NSW Motorways,

[3] Section 64 TfNSW may exercise functions of roads authority with respect to certain roads

Omit “Part 5.1” from section 64(1A). Insert instead “Part 5”.

[4] Section 144F Effect of road work on private railway

Insert “or NSW Motorways” after “TfNSW” wherever occurring in section 144F(1) and (2).

[5] Section 225 Certain fines to be paid into TfNSW Fund

Insert “, other than an offence to which section 225A applies” after “regulations” in section 225(a)(i).

[6] Section 225A

Insert after section 225—

225A Certain fines to be paid into NSW Motorways Fund

The following amounts are appropriated for payment out of the Consolidated Fund into the NSW Motorways Fund—

- (a) amounts paid into the Consolidated Fund in relation to penalties recovered for toll offences, within the meaning of section 250A,
- (b) amounts paid into the Consolidated Fund in relation to penalties recovered for other offences under this Act or the regulations committed on or in connection with tollways, other than an offence under section 261A(6),
- (c) amounts paid into the Consolidated Fund that are recovered by penalty notices issued under this Act for offences under paragraph (a) or (b).

[7] Section 261A Tollway ombudsman scheme

Omit section 261A(2). Insert instead—

- (2) The scheme must provide for the appointment of a tollway ombudsman to deal with disputes and complaints about services provided to toll road customers by toll entities, whether provided inside or outside the State.
- (2A) The Minister may, in an order made under subsection (1) or by an order published in the Gazette amending that order, exclude specified disputes and complaints between toll road customers and toll entities from the operation of the scheme.
- (2B) The Minister must not make an order amending an order under subsection (1) without the concurrence of the tollway ombudsman.

- [8] **Section 261A(3)(b)**
Omit “toll operators”. Insert instead “toll entities”.
- [9] **Section 261A(4) and (6)**
Omit “decision” wherever occurring. Insert instead “determination”.
- [10] **Section 261A(5)**
Omit the subsection. Insert instead—
(5) All toll entities are members of the tollway ombudsman scheme and, as members, are bound by the scheme.
- [11] **Section 261A(6) and (7)**
Omit “toll operator” wherever occurring.
Insert instead “toll entity”.
- [12] **Section 261A(6A)**
Insert after section 261A(6)—
(6A) Subsection (6) applies to a toll entity only if the toll road customers who are party to the dispute or complaint about which the determination was made choose to be bound by the determination.
- [13] **Section 261A(7)**
Omit “to the Minister”.
- [14] **Section 261A(8)**
Omit section 261A(8)–(10). Insert instead—
(8) The contribution is the amount determined and payable in accordance with the scheme.
- [15] **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.
- [16] **Section 261A(12)**
Insert after section 261A(11)—
(12) In this section—
toll entity means the following—
(a) a toll operator,
(b) a toll service provider identified by the Minister by order published in the Gazette.
toll road customer—
(a) includes a person whether the person’s vehicle is registered in the State or elsewhere, but
(b) does not include persons, or persons of a class, excluded from the definition by the Minister in an order made under subsection (1) or by an order published in the Gazette amending that order.

toll service provider has the same meaning as in the *Transport Administration Act 1988*.

[17] 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.

[18] Section 261AC

Insert before Part 16—

261AC Directions to suspend debt recovery

- (1) This section applies to a dispute or complaint between a toll road customer and a toll entity that is subject to the operation of the approved tollway ombudsman scheme.
- (2) If the tollway ombudsman is satisfied that it would facilitate the resolution of the dispute or complaint, the tollway ombudsman may, by written notice, direct the toll entity to suspend debt recovery action against the toll road customer in relation to unpaid tolls or charges the subject of the dispute or complaint.
- (3) Before making a direction under this section, the tollway ombudsman must have regard to any limitation period that applies to the debt recovery action.
- (4) The toll entity must not contravene the direction.
Maximum penalty for subsection (4)—100 penalty units.

[19] Schedule 1

Insert before Schedule 2—

Schedule 1 Special provisions for NSW Motorways

Part 1 General

1 Certain references to roads authority taken to include NSW Motorways

- (1) A reference to a roads authority in the following provisions is taken to include a reference to NSW Motorways—
 - (a) the following provisions of this Act—
 - (i) Part 5, Division 3,

- (ii) Parts 6–8,
 - (iii) Part 9, Division 5,
 - (iv) Part 11, Division 2,
 - (v) Part 12, Division 3,
 - (vi) Part 13, Divisions 4 and 5,
 - (vii) Parts 14 and 15,
 - (viii) Dictionary,
 - (b) a provision of a regulation made under this Act, subject to the provision,
 - (c) the provisions of the *Civil Liability Act 2002*,
 - (d) another provision of this Act or another law prescribed by the regulations for this clause.
- (2) If a provision referred to in subclause (1) confers a function on a roads authority in relation to a public road, NSW Motorways may exercise the function in relation to a tollway or proposed tollway as if it were a public road or proposed public road.
- (3) If a provision referred to in subclause (1) confers a right, privilege or immunity on a roads authority in relation to a public road, NSW Motorways has the same right, privilege or immunity in relation to a tollway or proposed tollway.
- (4) To avoid doubt, this clause—
- (a) does not limit a function conferred on NSW Motorways under this schedule, Part 2, and
 - (b) does not affect the operation of this Act, section 7(4)(b).
- (5) Despite this clause and this Act, section 7(4A), a tollway remains a private road.

2 Land held by NSW Motorways

- (1) NSW Motorways may, by notice published in the Gazette, dedicate any land held by it, including land acquired under this Act, Part 12, Division 1, as a public road.
- (2) On the publication of the notice, the land is dedicated as a public road.

Part 2 Distribution of certain functions between NSW Motorways, TfNSW and other roads authorities

Note— See also this Act, Part 5, Division 3.

3 Roads agreements between NSW Motorways and roads authorities

- (1) NSW Motorways and a roads authority may enter into an agreement under which some or all of the functions of the roads authority in relation to a classified road become, to the extent provided by the agreement, the responsibility of NSW Motorways.
- (2) While an agreement under this clause is in effect, the functions of the roads authority in relation to the road must, to the extent provided by the agreement, be exercised by NSW Motorways.
- (3) This clause does not limit the power of NSW Motorways to exercise a function conferred on NSW Motorways by or under another provision of this Act in relation to a classified road.

4 Ministerial directions

- (1) If, in the Minister's opinion, it is required by special circumstances, the Minister may direct that one or more of the functions of a roads authority in relation to a classified road are, to the extent provided by the direction, the responsibility of NSW Motorways.
- (2) While a direction under this clause is in effect, the functions of the roads authority in relation to the road must, to the extent provided by the direction, be exercised by NSW Motorways.

5 NSW Motorways may exercise functions of roads authority in relation to certain roads

- (1) NSW Motorways may exercise the functions of a roads authority in relation to a classified road, whether or not it is the roads authority for the road and whether or not the road is a public road.
- (2) NSW Motorways may exercise the functions of a roads authority in relation to a road for the purpose of carrying out the following—
 - (a) a project approved under the *Environmental Planning and Assessment Act 1979*, Part 3A,
 - (b) State significant development for which development consent has been granted under the *Environmental Planning and Assessment Act 1979*, Part 4,
 - (c) State significant infrastructure approved under the *Environmental Planning and Assessment Act 1979*, Part 5.
- (3) The roads authority for a road in relation to which NSW Motorways is exercising a particular function may not exercise the roads authority's functions in relation to the road in a way that is inconsistent with the way in which the function is being exercised by NSW Motorways.

6 Road levels

NSW Motorways may exercise the functions of a roads authority under this Act, Part 3, Division 3 in relation to a classified road and a public road adjoining a classified road.

7 NSW Motorways must not exercise function for classified roads inconsistently with TfNSW

When exercising a function of a roads authority under clause 3, 5 or 6 in relation to a classified road, NSW Motorways must not exercise the function in a way that is inconsistent with the way in which the function is being exercised by TfNSW.

8 NSW Motorways has immunities of roads authority

While exercising the functions of a roads authority under this Act in relation to a road, NSW Motorways has the immunities of a roads authority in relation to the road, whether or not it is the roads authority for the road.

Part 3 Miscellaneous

9 NSW Motorways may carry out road work on unclassified roads

This Act, section 72 extends to NSW Motorways as if the references to TfNSW were references to NSW Motorways and the references in this Act, section 72(1)(a) and (b) to a classified road were references to a toll road.

10 Road management functions

- (1) This Act, Part 10, Division 3 extends to NSW Motorways.
- (2) For subclause (1), a reference in this Act, Part 10, Division 3 to TfNSW includes a reference to NSW Motorways.

11 Powers of authorised officers

- (1) This Act, Part 11 extends to NSW Motorways.
- (2) For subclause (1), a reference in this Act, Part 11 to an authorised officer includes the following—
 - (a) an employee in the service of NSW Motorways who is authorised by NSW Motorways to exercise the functions of an authorised officer under this Act,
 - (b) a person of a class prescribed by the regulations who is authorised by NSW Motorways to exercise the functions of an authorised officer under this Act.

12 Acquisition of land

- (1) This Act, Part 12, Division 1 extends to NSW Motorways.
- (2) For subclause (1), a reference in this Act, Part 12, Division 1 to TfNSW includes a reference to NSW Motorways.

13 Financial matters

- (1) The following provisions extend to NSW Motorways as if it were TfNSW—
 - (a) sections 207, 208 and 212,
 - (b) Part 13, Division 4.
- (2) NSW Motorways may exercise a function under section 207 or 208 only for a purpose related to a toll road.

14 Contributions to TfNSW by NSW Motorways

- (1) NSW Motorways must pay TfNSW the amounts determined by TfNSW from time to time as contributions in relation to the use of, and the movement of vehicles across, a bridge, tunnel or road-ferry if—
 - (a) NSW Motorways is permitted under this Act, section 214(2) to levy tolls and charges in connection with traffic that uses the bridge, tunnel or road-ferry, and
 - (b) the bridge, tunnel or road-ferry is under the control of TfNSW.
- (2) In this clause—
bridge includes the Sydney Harbour Bridge.

15 Approved camera recording devices—toll offences

Section 250A extends to NSW Motorways as if it were TfNSW.

[20] Schedule 2 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Vesting of Sydney Harbour Tunnel

Vesting of Sydney Harbour Tunnel land and easements in NSW Motorways

The following are vested in NSW Motorways—

- (a) the Sydney Harbour Tunnel, within the meaning of the *Sydney Harbour Tunnel (Private Joint Venture) Act 1987*,
- (b) the land described in the *Sydney Harbour Tunnel (Private Joint Venture) Act 1987*, section 12(1) and (4),
- (c) the easement to drain water described in the *Sydney Harbour Tunnel (Private Joint Venture) Act 1987*, section 12(2),
- (d) the road described in the declaration made under the *Roads Act 1993*, section 52 declaring the Sydney Harbour Tunnel to be a tollway, published in Government Gazette No 401 of 26 August 2022.

Construction of references to Commissioner for Main Roads

A reference in the *Sydney Harbour Tunnel (Private Joint Venture) Act 1987* to the Commissioner for Main Roads must be read as a reference to NSW Motorways.

[21] Dictionary

Insert “or NSW Motorways” after “TfNSW” wherever occurring in the definition of *authorised officer*, paragraphs (a)–(c).

[22] Dictionary, definition of “private toll or charge”

Insert “, NSW Motorways” after “TfNSW”.

[23] Dictionary, definition of “toll operator”

Omit the definition. Insert instead—

toll operator means the following—

- (a) for a tollway—
 - (i) if a person is declared by the Minister, by order published in the Gazette, to be the toll operator in relation to the tollway for this definition—the person, or
 - (ii) otherwise—NSW Motorways,
- (b) for another toll road—NSW Motorways.

[24] Dictionary, definition of “toll point”

Insert “, TfNSW or NSW Motorways” after “toll operator”.

Schedule 2 Amendment of Transport Administration Act 1988 No 109

[1] Section 39B NSW Motorways functions

Omit “toll road services in the State” wherever occurring in section 39B(1)(a) and (c).

Insert instead “toll road services”.

[2] Section 39B(1)(b) and (f)

Insert “and charges” after “tolls” wherever occurring.

[3] Section 39B(1)(d)

Omit the paragraph.

[4] Section 39B(1)(e)

Insert “fund and” before “administer”.

[5] Section 39B(1)(g1) and (g2)

Insert after section 39B(1)(g)—

(g1) to investigate and enforce toll offences, within the meaning of the *Roads Act 1993*, section 250A,

(g2) to provide information about registrable vehicles and registered operators in accordance with the regulations,

[6] Section 39B(3)

Omit the subsection.

[7] Section 39B(5)

Insert after section 39B(4)—

(5) NSW Motorways may exercise its functions inside or outside New South Wales.

[8] Section 39I Delegation of functions of NSW Motorways

Insert “or a customer advocacy function under section 39L” after “delegation” in section 39I(1).

[9] Section 39J Sharing and obtaining information

Insert after section 39J(1)—

(1A) TfNSW or the Chief Executive Officer of Service NSW must give NSW Motorways the information, including personal information, required by NSW Motorways to enable NSW Motorways to exercise its functions under this Act or another Act.

[10] Part 3E, Division 5

Insert after section 39J—

Division 5 Customer Advocate

39K Establishment of Customer Advocate

A Customer Advocate must be employed in the Transport Service under Part 7A to undertake the customer advocacy functions of NSW Motorways.

39L Customer advocacy functions of NSW Motorways

- (1) The customer advocacy functions of NSW Motorways are as follows—
 - (a) to advocate for and promote the interests of toll road customers,
 - (b) to advocate for policy and legislative change and other improvements that benefit toll road customers, including by participating in forums and otherwise engaging with the community,
 - (c) to promote collaboration between government, toll operators and toll service providers to address common issues and to promote better policy development in the interests of toll road customers,
 - (d) to give advice, recommendations and reports to the Minister about matters relating to toll road customers,
 - (e) to raise awareness and provide education about, and conduct programs and other activities to promote understanding of, issues affecting toll road customers,
 - (f) other customer advocacy functions specified by this Act or another Act.
- (2) Advice, recommendations and reports under subsection (1)(d) may be given at the request of the Minister or on the initiative of the Customer Advocate.
- (3) The Customer Advocate is not subject to the control and direction of the Minister or another person in relation to the contents of advice, reports or recommendations given to the Minister.
- (4) The Customer Advocate may delegate the exercise of a customer advocacy function to—
 - (a) a member of staff of NSW Motorways, or
 - (b) a person of a class prescribed by the regulations or approved by TfNSW.

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.

[11] Section 80FL Payments from NSW Motorways Fund

Insert after section 80FL(a)—

- (a1) all payments for toll relief schemes administered by NSW Motorways,

Schedule 3 Repeal of Transport Administration Amendment (NSW Motorways) Act 2024 No 95

Repeal

The *Transport Administration Amendment (NSW Motorways) Act 2024* No 95 is repealed.