

CLAUSE NOTES

Metro Tasmania Amendment Bill 2018

- Clause 1.** This clause determines the name of the Bill as the *Metro Tasmania Amendment Act 2018*.
- Clause 2.** The Act commences on the day on which this Act receives the Royal Assent.
- Clause 3.** In this clause, the *Metro Tasmania Act 1997* is referred to as the Principal Act.
- Clause 4.** The long title of the Act is amended by omitting the word “road” to reflect the changes in the Bill that will not limit the modes of passenger transport services operated by Metro Tasmania.
- Clause 5.** The words “a public transport system” are removed and replaced with “one or more public transport systems” to reflect that under this Bill, Metro will be able to operate any form of passenger transport without limitation as to mode for greatest efficiency and flexibility and to reflect modern urban transport needs.
- Clause 6.** This clause expands Metro Tasmania’s objectives to provide all modes of passenger transport within Tasmania, not just road-based passenger transport.
- Clause 7.** This clause is inserted to include a legislative basis for the provision of a Members’/Shareholders’ Statement of Expectations. This is to promote transparency and to ensure consistency with all State-owned Companies which will have similar clauses.
- Clause 8.** This clause repeals a previous reference to Treasurer’s Instructions replaced by Clause 10.
- Clause 9.** This clause removes a section which provides for the making of a Fares Order for full adult fares for urban public bus services provided by Metro. The fare schedules for all classes of passenger and all government funded operators, including Metro, will be part of contracting arrangements and a new fares framework will be introduced when the current Fares Order ends.
- Clause 10.** This clause is inserted to include a requirement to follow all Treasurer’s Instructions issued under the *Government Business Enterprises Act 1995* and displaces section 5G of the *Corporations Act 2001* which overrides State legalisation where it is incompatible with the Corporations Act. This will promote consistency across all State-owned Companies and provide for certainty where such provisions may be contrary to Corporations Act provisions.

- Clause 11. This clause ensures that the existing *Metro Tasmania Fares Order 2016* made under the repealed Part 3A remains in force until revoked by the Minister. This is to ensure that the Fares Order remains in place until a replacement fares framework comes into effect.
- Clause 12. This clause refers to the *Metro Tasmania Fares Order 2016* as the Principal Order.
- Clause 13. This clause removes the termination date of the Fares Order to reflect clause 11. This ensures that the current Fares Order remains in place until such time as there is an effective replacement and removes any risk of the Fares order lapsing without an adequate replacement.
- Clause 14. The Principal Act in this clause is the *Electricity Companies Act 1997*.
- Clause 15. This clause is inserted to include a requirement for the provision of a Members'/Shareholders' Statement of Expectations. This ensures consistency in approach with all other State-owned Companies.
- Clause 16. This clause repeals a previous reference to Treasurer's Instructions which are replaced by clause 17.
- Clause 17. This clause is inserted to include a requirement to follow all Treasurer's Instructions issued under the *Government Business Enterprises Act 1995* and displaces section 5G of the *Corporations Act 2001* which overrides State legalisation where it is incompatible with the Corporations Act. This will bring the Act into line with all other State-owned Companies and promote consistency and transparency in the treatment of these companies.
- Clause 18. The Principle Act in this clause is the *Irrigation Company Act 2011*.
- Clause 19. This clause substitutes a reference to Treasurer's Instructions with a requirement for the provision of a Members'/Shareholders' Statement of Expectations. This is to ensure consistency with the wording of other State-owned Companies, and the obligation to adhere to the Treasurer's Instructions are inserted at clause 21
- Clause 20. This clause repeals a reference to the requirement to provide a Members' Statement of Expectations, which is replaced by clause 19.
- Clause 21. This clause is inserted to include a requirement to follow all Treasurer's Instructions issued under the *Government Business Enterprises Act 1995*. This will bring the Act into line with all other State-owned Companies and promote consistency and transparency in the treatment of these companies.
- Clause 22. This clause corrects and clarifies the language that displaces section 5G of the Corporations Act 2001 which overrides State legalisation where it is incompatible with the Corporations Act. This will bring the Act into line with all other State-owned Companies and promote consistency and transparency in the treatment of these companies.

- Clause 23. The Principal Act in this clause is the *Racing (Tasracing Pty Ltd) Act 2009*.
- Clause 24. This clause repeals a section of the Act which displaces section 5G of the *Corporations Act 2001* which overrides State legislation where it is incompatible with the Corporations Act. This is reinserted in clause 27 to make the Act consistent in structure with other State-owned Companies.
- Clause 25. This clause removes the word “shareholders” from the phrase “statement of expectations” in order to provide consistency in language across State-owned Companies and includes a requirement for a Members’/Shareholders’ Statement of Expectations.
- Clause 26. This clause repeals a previous reference to Treasurer’s Instructions which is replaced by clause 27. This is to ensure consistency in the framing of the legislation across all State-owned Companies.
- Clause 27. This clause is inserted to include a requirement to follow all Treasurer’s Instructions issued under the *Government Business Enterprises Act 1995* and displaces section 5G of the *Corporations Act 2001* which overrides State legislation where it is incompatible with the Corporations Act. This will bring the Act into line with all other State-owned Companies and promote consistency and transparency in the treatment of these companies.
- Clause 28. The Principal Act in this clause is the *Rail Company Act 2009*.
- Clause 29. This clause removes a reference to Treasurer’s Instructions which are consolidated into clause 32.
- Clause 30. This clause removes a reference to Treasurer’s Instructions which are consolidated into clause 32.
- Clause 31. This clause amends a section referring to Members’ Statements of Expectations by adding the requirement for such statements to be in writing and signed by every member, specifying the date such a statement is to come into effect and requirements for tabling before both Houses of Parliament.
- Clause 32. This clause is inserted to include a requirement to follow all Treasurer’s Instructions issued under the *Government Business Enterprises Act 1995*. This will bring the Act into line with all other State-owned Companies and promote consistency and transparency in the treatment of these companies.
- Clause 33. The Principal Act in this clause is *TT-Line Arrangements Act 1993*.
- Clause 34. This clause is inserted to include a requirement for a Members’/Shareholders’ Statement of Expectations. This will bring the Act into line with all other State-owned Companies and promote consistency and transparency in the treatment of these companies.

- Clause 35. This clause repeals a previous reference to Treasurer's Instructions replaced by clause 36.
- Clause 36. This clause is inserted to include a requirement to follow all Treasurer's Instructions issued under the *Government Business Enterprises Act 1995* and displaces section 5G of the *Corporations Act 2001* which overrides State legalisation where it is incompatible with the Corporations Act. This will bring the Act into line with all other State-owned Companies and promote consistency and transparency in the treatment of these companies.
- Clause 37. The Principal Act in this clause is *Tasmanian Ports Corporation Act 2005*.
- Clause 38. This clause is inserted to include a requirement for a Members'/Shareholders' Statement of Expectations. This will bring the Act into line with all other State-owned Companies and promote consistency and transparency in the treatment of these companies.
- Clause 39. This clause removes a reference to Treasurer's Instructions which are consolidated into clause 41.
- Clause 40. This clause removes a reference to Treasurer's Instructions which are consolidated into clause 41.
- Clause 41. This clause repeals section 29 of the Principal Act which displaces Section 5G of the *Corporations Act 2001* which overrides State legalisation where it is incompatible with the Corporations Act. This is replaced by a requirement to follow all Treasurer's Instructions issued under the *Government Business Enterprises Act 1995* and reintroduces the displacement of section 5G of the *Corporations Act 2001*. This will bring the Act into line with all other State-owned Companies and promote consistency and transparency in the treatment of these companies.
- Clause 42. This clause provides for the repealing of the Act within 365 days.