

# Roads Act 1993 Issues Paper February 2025

## Context

The Roads Act 1993 (the Act) is part of the legislative, administrative and common law arrangements that govern the construction, maintenance, protection and management of roads and road use in New South Wales.

Since colonial days and more particularly the early part of the twentieth century local government in New South Wales (NSW) has been responsible for the care, control and management of most public roads within their local areas. With the development of motorised road transport there was a need to coordinate the development and protect the function of arterial roads. In the 1920s the State Government created an agency, an early predecessor of Transport, to ensure that routes that connect more significant centres of population and facilitate commercial activity were funded, developed and maintained to standards that promote efficient and safe movement of traffic. More recently, the Federal Government has taken an interest in major inter-capital routes and routes providing access to major freight terminals. It has defined roads of national concern and provides tax revenue to assist in the funding of this network. In addition, it provides financial assistance to local government for local road management.

Fundamental to the concept of a public road are the rights of members of the public to pass along the road and access for adjoining landowners to the road, subject to provisions of legislation and the operation of the common law. A major concern is that the paradigm underpinning the Roads Act 1993 could be weakened by the introduction of further objectives that could equally well be addressed through other legislation, policy or administrative process. Part 1 of the Act clearly sets out the objects which encompass protection of long standing, common law and now codified rights of passage along a road and property access, administration of roads, empowerment of roads authorities and regulation of the use of and protection of roads.

The rights to pass along a road and to enter property from a road underpin the very foundations of society and the economic use of land. These rights must be protected.

Acknowledging that the classification of roads could be simplified there is the need to harmonise with the State / regional / local road concept. A suggested framework is provided later in this paper.

## Movement and place

It is also acknowledged that the role of Transport is very different to that of the Main Roads Board 100 years ago but one must not lose sight of the reasons for establishing a State oversight of the more important roads throughout the State. The tension between Movement and Place is very real and the nomenclature of road and street is not a distinction of one or the other. There is a clear continuum between roads that strongly support movement and parts of roads, such as public squares, that are places of congregation and vice versa. It is clear that classified roads are not the only providers for movement - many local and Regional roads carry very high volumes of traffic and sometimes with limited need for property access. On the other hand, it is unreasonable that Place thinking should dominate the management of classified roads because they are established specifically to ensure the proper management of movement. Even so, the majority of classified roads provide property access, sometimes in high density

areas such as high streets. Even when parts of roads are recognised as places of congregation there is the need to facilitate movement to and from such places and access by reasonable physical means to abutting property. Urban pedestrian precincts present significant problems in providing access for delivery and servicing and restrict the economic model of places of accommodation.

Care is needed to ensure that measures that regulate traffic are not used to bypass the provisions relating to the opening and closing of roads.

## **Planning**

It may be appropriate to introduce provisions within the Act that promote whole of network planning across State, Regional and Local levels in order to preserve road assets and promote a systematic approach to management among all roads authorities and road users. That said it should not be the role of the State to dictate to councils on matters that do not infringe on the efficient use of roads as places of movement. Roads are a scarce and vulnerable economic resource. Forecasts of rapid growth in road freight foreshadow increases in vehicle axle loadings and the number of heavy freight vehicles on roads. History shows a steady increase in these parameters. A statutory basis would facilitate the work of Transport as standards setter and partner of other roads authorities in the development of sustainable transport infrastructure solutions across the State.

## **Regional roads – protecting TfNSW**

It is important that the primacy of councils as the manager of Regional roads be clarified and that Transport is indemnified from suit by reason of its financial contributions to Regional roads. Consideration could be given to amending s110 of the Environmental Planning and Assessment Act 1979 so it does not apply to the provision by Transport of financial assistance to councils for Regional or local Roads, advice of a general nature or Codes of Practice or administrative arrangements between Transport and councils.

## **Codes of Practice**

Various aspects of the relationship between roads authorities and the management of roads authority functions may conveniently be contained in Codes of Practice. Codes of Practice could be developed and amended administratively by Transport in consultation with councils and other relevant roads authorities. They could be published (and revoked) in the Gazette by order of the Minister or by Transport, and be called up into the legislation by general provisions. Once made, Codes of Practice would be binding on roads authorities. They could cover such matters as exercise of s64 powers by Transport, application of standards, and preparation of documentation, for example contractual arrangements between Transport and other roads authorities. Codes of Practice would be expressed not to contradict the existing legislative and common law regime on civil liability in NSW.

## **Interface with railways**

Roads intersect with railways at many locations and the road then lies on railway land. It should be made clear that the roads authority is responsible for the management of the road at these locations. The Queensland Transport Infrastructure Act 1994 at s249 makes provision for a common area where a railway intersects a State controlled road in which the roads and railway managers have responsibility for their infrastructure and an obligation to consult with each other before undertaking any works. Each manager must manage its responsibilities within the common area in a way that is not inconsistent with the requirements of the other manager. It

would be necessary to clearly identify the elements of the crossing and the management responsibility for each of these elements. For example boom gates are considered to be railway infrastructure because of their integration with railway signalling and train detection systems. It would be necessary to consult with the Rail Safety Regulator.

### **Clarifying Regulate Traffic & Undertake Traffic Control Work**

It is important to distinguish between the powers to regulate traffic ie control traffic and the powers to undertake traffic control work ie the power to install, construct or maintain a device or work that regulates traffic. The consequence of a traffic control work is the regulation of traffic. The power to regulate traffic implies a decision-making process which must precede the installation or construction activity. The general grant of power within the Act to undertake traffic control works does not mean there is a complementary power within the Act to regulate traffic. Furthermore, the power to regulate traffic granted by the Act relates narrowly to temporary measures associated with road works and temporarily hazardous conditions.

There are legislative provisions on the regulation of traffic and the undertaking of traffic control works in the Road Transport Act 2013.

The existence of provisions on traffic management in multiple statutory instruments can cause confusion. Consideration should be given to a review of Part 8 of the Act. A number of options is available to address this confusion and include:

- Retain within the Act all the provisions of traffic regulation that currently exist within the Act. This avoids complexities in authorising temporary traffic control arrangements.
- Retain the function of regulating traffic for reasons that have a nexus with the remainder of the Act.
- Remove all the provisions under Part 8 to the Road Transport Act which, unless there were clear delegations to councils, would increase the complexity of authorising temporary traffic control measures.

For each of the options it is desirable to redraft the provisions so as to improve clarity and reduce unnecessary administrative process such as the requirement to advertise in all cases. Repositioning of the various provisions within the Act to emphasise the nexus between the traffic regulation function and the underlying function as well as the provision of notes and cross referencing to the STM Act would be beneficial.

A concern surrounds the provision of safety for conflicting classes of road user whilst recognising the fundamental rights of passage along a road. These are matters best addressed by road design practice and by regulation of traffic.

### **Clarifying ability to fund works on unclassified regional roads and other matters**

The provisions within the Act regarding financial assistance to councils for Regional roads are uncertain under the current arrangement whereby some Regional roads are not classified. Any proposed system should ensure clarity.

There is question as to whether councils should be able to implement controlled access on Regional roads or whether they have sufficient powers under the Environmental Planning and Assessment Act to achieve such outcomes.

### **Defining the scope of a State road**

There is a distinct differentiation within State road corridors between rural and urban areas which are more complex with regard to the interface with adjacent land use. For example, parking lanes are generally regarded as matters to be managed by councils, however, this arrangement is reversed when these lanes are converted to clearways, transit lanes etc during certain parts of the day. Councils are more heavily invested in the management of urban road corridors than rural road corridors and there are more points of conflict which creates challenges for balancing the movement and place functions. Often alternative routes to bypass congested urban areas are not readily apparent whether on financial or social management grounds and it becomes important that Transport is able to guarantee the functionality of movement.

The structure of empowerment of Transport within the Act recognises that its role is to ensure that State roads are managed in the best interests of movement while recognising that councils are generally responsible for management of roads including many matters not related to the road infrastructure and the movement of traffic, including the proper management of the remainder of the road corridor.

There may need to be a better framework for Transport's ability to manage existing public roads that are proposed to become State roads public roads; ss 61-64 do not appear to address this issue.

### **Third party activities**

The administration of third-party activity approvals needs review to remove ambiguity and inconsistent response procedures. When is an activity road work and when is it not road work? Does s138 relate to both? Why is there differentiation between the processes arising from the Pipelines Act and other utility activities? There is a problem with the application of s138 in the context of classified Regional roads - the section requires Transport concurrence but this appears not to be consistently happening given Transport's reduced interest in this category of road.

Utility services including water, sewerage, gas, electricity and telecommunications use space in road corridors, generally on a rent-free basis and as a matter of public policy. Managers of these services do not acquire easements or any property in the land of the road corridor. Utility services occupy space and restrict options for developing the corridor for road purposes. They have impacts on road repair requirements and costs, due to restrictions on traffic flow during installation and maintenance of utilities, and on safety costs associated with the presence of utility structures.

As a consequence there is an element of cost subsidy by road managers to utility managers. Some utilities were traditionally provided by State or local government but increasingly these services are being commercialised and as such subsidised by the road owner. These commercial arrangements vary in nature - some are provided on an access to service basis (for example sewerage), some (for example water and electricity) are partly based on consumption and partly on access. Other utilities (for example gas) have always been a commercial enterprise. Thinking has developed about competition policy, and utilities have increasingly been put onto a commercial footing prompting the question of whether utilities should pay for access to road corridors. The issues go to the workings of all three levels of government and involve consideration of each utility's legislative base and the public interest.

In the absence of a whole of government policy imperative it is proposed that as a general rule there generally be no charge for use of public roads by utility infrastructure. The exception is that the purpose of building freeways is promotion of efficient traffic movement. There is no access across a Freeway boundary except when specifically agreed by Transport. The installation of new utility infrastructure in freeway corridors should be totally at the discretion of Transport and the utility manager should pay a fair market price for occupation of the land space.

State Roads, including freeways, have a strategic traffic function compared with regional and local roads and there is a need, from time to time, to enhance the road infrastructure to facilitate long term traffic growth. The presence of utility infrastructure can inhibit road development. It has been suggested that where relocation of utility infrastructure is required for road development, the utility manager should bear the costs. Another approach would be for a Code of Practice to be developed addressing such issues as cost sharing between authorities, a protocol on upgrading of utility services because standards have changed, and pricing implications of cost sharing in the light of general utility service pricing and the role of the Independent Pricing and Regulatory Tribunal.

Section 138(5) of the Act exempts anything done under the Pipelines Act 1967 from the requirements of s138. This infrastructure is provided under vice-regal licence. The responsible Minister is required to obtain the concurrence of the Minister for Roads when considering an application for a permit to investigate a pipeline proposal and to refer a licence application to the Minister for Roads. The proponent is required to consult with affected local government councils. A licensee is required by the Pipeline Regulation to preserve free, uninterrupted and safe passage over a public road. A transitional provision (Schedule 2 clause 5) in the Act provides a similar exemption for the exercise in, on or over an unclassified road (except a Crown road) of functions by a public authority or a network operator within the meaning of the Gas Supply Act 1996. The transitional provision is expressed to cease to have effect on a day to be proclaimed and Transport sees no reason to retain this transitional provision.

Why is it okay to incur significant economic harm on businesses affected by road works – has the approval of such works undergone appropriate planning? Are the mechanisms established by the Environmental Planning and Assessment Act sufficient to address this question and provide protection to adjacent business and residents? Note that many road works are implemented under the provisions of Part 5 of that Act.

### **Benefit of change**

It is important that any changes proposed be subject to financial and social justice analysis as Transport and councils need to be able to sustainably manage their responsibilities. Changes that impact on the distribution of functions between councils and Transport need similar assessment.

Attention is drawn to “Development of Options for Amendment of the Roads Act 1993 Initial Draft Position Paper July 2005 reviewing the Act which may provide further insight to deliberations.

Comment specific to various parts of the Roads Act 1993 Issues Paper – February 2025 follow with reference to page numbering in that document.

*Roads prioritise the right of passage over access to property. They are designed for through movement at higher speeds for broader district or regional connections and have limited entry points, intersections, and driveways. Road users are physically separated or controlled with signals due to the high differential in travel speeds between walking, cycling and general traffic. Roads make up less than 20 per cent of the network in NSW. Streets make up the greater part of the transport network and focus on the right of access to property. Streets play an important role in local travel and connectivity. They range from quiet and calm local streets to vibrant main streets and lively civic spaces. Streets can be important transport corridors—providing vital connections for public transport, deliveries, cycling, and walking and also creating important places in their own right. Streets have significant meaning for local communities.*

These remarks are contestable and speak more to the extreme ends of the spectrum. The vast majority of roads and streets have overlapping functionality and most roads in particular do not have the characteristics suggested above. All roads and streets, freeways and controlled access roads excepted, must provide for property access. Similarly, all roads and streets must provide for the right of passage. The arbitrary division of the network into roads and streets has a very indistinct boundary. By way of example is King St (Newtown) a road or a street?

The Mobility / Access diagram is very useful and expresses the continuum between movement and place.

Preservation of the rights of passage and access is a fundamental principle that underpins the social and economic fabric of the world we live in. The introduction of new paradigms of road management must harmonise with and protect these rights.

Going further, there is confusion in the use of the word “road”.

Commonly, a road is taken to mean the physical road upon which motor vehicles move. In common usage footpaths etc are typically not regarded as the road.

In the objects of the Act and throughout, there is mention of public roads (ie as defined in the dictionary (a) any road that is opened or dedicated as a public road, whether under this or any other Act or law, and (b) any road that is declared to be a public road for the purposes of this Act), roads, classified roads and unclassified roads.

The dictionary in the Roads Act extends the meaning to include (a) the airspace above the surface of the road, and (b) the soil beneath the surface of the road, and (c) any bridge, tunnel, causeway, road-ferry, ford or other work or structure forming part of the road.

These distinctions may be deliberate within the drafting of the Act but tend to be lost on the lay person and those who rarely interact with the Act. Furthermore, terms such as “street”, “square”, “mall” do not appear in the Act and in its current construction are not needed. They are merely popular descriptors of features in the roadscape. Particularly, the term “motorway” does not appear even though it is the popular descriptor for a “freeway”. A freeway has particular features such as access control that might not be present for all motorways.

Comment – p 30

*The use of outdoor public space including roads and streets has evolved since 1993. As urban development has increased, streets are increasingly places for playgrounds, outdoor dining, markets, performance spaces, public parks, and gardens.*

Where playgrounds, public parks and gardens are part of streets how does that affect the fundamental rights of passage and access? Where they exist what does this mean for the rights of passage and property access including by vehicle and for people who are mobility restricted? Noting that urban malls eg Pitt St and parts of George St are restricted as to vehicle access, what is the impact on people wishing to access places of accommodation and delivery vehicles for example? Is compensation available to property owners whose business is negatively impacted by the imposition of malls and like features on roads. Are these matters ones that should be addressed in places other than the Act noting that these types of schemes have been imposed notwithstanding the current statutory arrangements? Fundamentally roads are there to provide and guarantee connections between places whether they be towns, or parcels of abutting land and the Act must preserve the fundamental rights of movement and access. Bear in mind that the Australian model of low density urban development has entrenched long journeys to and from home, schools and work such that the provision of infrastructure and services must be attuned to the realities of higher unit costs than would be experienced in, say, Europe. My experience travelling through Europe by car and wanting to access city centre hotels has been disconcerting. I'm not sure what the intended function of Transport is as regards the State road / classified road network but historically it gained its imprimatur from the need to develop and protect the important through traffic routes. There seems to be the potential for significant destabilisation in the management of classified roads. Fundamentally Transport should not be involved in the management of local roads/ streets. Civic space eg pedestrian malls should not occur on classified roads. Note also that many "high" street situations arise on local roads that also have a significant movement function.

Comment p 33

*Bicycles' are referred to only once in the Roads Act 1993*

As a general principle the Act is agnostic as to transport mode although there are special references to motor traffic and transit regarding some types of classified road. The Act does not enter into the engineered form of providing for movement.

There are significant safety concerns surrounding the interface of motor vehicles, transit vehicles, bicycles and pedestrians particularly on higher speed, high traffic volume through traffic roads and notwithstanding the primacy of safety there is a need to harmonise the engineered response to facilitate the economic well being of the community. There are distinct and sometimes significant costs associated with providing a multimodal response.

Comment p 34

*The Roads Act 1993 focuses on general road management and construction powers, without specific requirements for roads authorities to consider public transport in their decisions about road space, design, or maintenance.*

The Act does not give guidance about any form of how movement is facilitated. These matters are planning and technical responses to broader policy matters. Actions taken under the authority of the Act are usually an integrated response to a wide range of policy constraints or initiatives imposed by other legislation. The regulation of bus lanes etc is achieved through the Road Transport legislation more generally. Note that Transitways are recognised by the Act as a distinct class of road.

Comment p 36

*... freight is not mentioned in the Roads Act 1993 and is not an explicit consideration for the regulation of traffic under the Act.*

See previous comment / response.

Comment p 41

*What issues have you experienced due to overlapping classification systems to determine roles and responsibilities for NSW roads? (select all that apply) • Confusion between legal, functional and administrative systems • Hard to find which legal classification applies to which road segment • Confusion about who has authority for which segment of road • Too many legal classifications • Other (please specify).*

There is also the confusion as to the interfacing of Transport and council roles across the road corridor, fence to fence on State roads – footpaths, verges, parking lanes, traffic lanes etc. The current model prescribed by the Act means that in the absence of Transport intent on a State road the roads authority (in most cases a council) administers and manages road corridors including activities such as feral animals and wandering stock, noxious weeds, footpaths, landscaping, alternative use of the road corridor etc. Transport historically directs its interest under the Roads Act to the infrastructure for through traffic on State roads. I am of the view that the number of legal classifications could be reduced to better align with the very simple State / regional / local categories recognising that State roads probably fall into multiple classifications – freeway, main road. Bearing in mind that some local and unclassified regional roads serve a purely movement function consideration could be given to whether the declaration of a controlled access road could be extended to these roads. The confusion in nomenclature surrounding motorways / freeways should be resolved. The administration of State Works under the Roads Act should be reviewed for its appropriateness.

Comment p 41

There are some inaccuracies in the diagram – Transport as a rule is not the roads authority (exceptions are freeways) but takes on the powers of a roads authority in the prescribed circumstances – s61-64. Council is the roads authority - correct reference is s7(4). Public authority is the roads authority – correct reference is s7(3).

Comment p 49

*Codifying the regulatory framework for permits*

There is confusion surrounding the definitions of road works (defined), other works (not defined and by implication any work that is not road works?) and the arrangements for authorising third party access to undertake road works (narrowly defined in the Act),



other works, road occupancy or other activity within a road. The interface between Development Consent approvals under the Environmental Planning and Assessment Act, integrated development, s 138 concurrence / consent and authorisation under a Works Authorisation Deed (WAD) is not well defined nor understood and creates a bureaucratic jungle. There is uncertainty as to whether a s 138 consent is applicable to road works or only to activity that is not road work. Are WADs issued under the powers granted to Transport by ss61-64 or under s138? WADs often relate to road works, but not necessarily eg major temporary works on the road, but clear of the road infrastructure, associated with adjacent land development. Do councils use Wads or do they issue all approvals via s138? The unique position relating to pipelines (Pipelines Act) compared with the undertaking of other utility works should be reviewed.

Comment p 50

*... the Roads Act 1993 (section 23) provides for a roads authority to recover fees for any service it provides. Similarly, roads authorities under the Roads Act 1993 (section 223) can charge for supplying a service, product or commodity, information, assessing and granting approvals for applications, carrying out inspections related to the application, and issuing certificates.*

Reference to s 23 is incorrect should be 223. As acknowledged in following text this provision does not address Transport (except for freeways) needs. Does the ability of Transport to exercise the functions of a roads authority provide relief in that a function of a roads authority is to charge fees as provided by s223?

Comment p 52

*An outdated penalties and compliance framework*

The value of a penalty unit is set by other means than the Roads Act. The number of penalty units applicable to offenses should be reviewed as part of this review. Issues such as protection of the environment should be addressed through relevant environmental protection legislation, not through the Roads Act. The Act as a general principle does not discuss the efficiency of management etc. It simply deals with the functions and responsibilities. Bear in mind that roads authorities have some protection when defending an action that budget is a consideration in determining accountability. Roads authorities and Transport are public bodies accountable to their councils / State Government in matters of efficient delivery of services. Councils and State Government in their turn are accountable to their communities and the ballot box. Defining efficient delivery of services has the potential to be a “sword of Damocles” and work against progress.

Comment p 53

*What improvements can be made to the Act to increase flexibility in response to natural disasters?*

The Roads Act provides all the powers needed to undertake road works in response to a natural disaster although there is uncertainty regarding the head under which financial support is provided in the case of unclassified roads. This needs clarification in any review of the Act if indeed funding is administered under the provisions of the Act. The major impediments relate to the justification and financial administration of Natural Disaster funding, the resourcing (labour, materials, plant) of a response and delays

while necessary environmental approvals are obtained, all matters beyond the Act. As it stands natural disaster funding applies to restoration, not to improved resilience and this has the potential to retain infrastructure at low levels of resilience. This is particularly true of low standard roads. A significant concern is the expectation to fund restoration no matter the cost and economic benefit. Community standards that endorse isolated living and development in vulnerable locations have a very high cost to the community in the long term. These are all issues that should be addressed elsewhere.

Comment p 54

*What regulatory features should be tested to ensure the Act can accommodate emerging technologies and new approaches? (select all that apply) • Ability to change the primary intended function or use of a street at different times of day or days of the year*

What does change to primary intended function or use of a street mean? These functions are set out in Part 1 of the Roads Act. In particular it would be dangerous to subvert ss 5 & 6 of the Act and special reference is made to the common law in respect of these matters.

- *Area wide speed zone reduction on local neighbourhood streets delegated to councils*
- *Regulation of traffic on local neighbourhood streets and civic spaces delegated to councils*

These matters are addressed by delegation under the Transport Administration Act. The exercise of traffic regulation functions under the Roads Act relates only to activity complementary to undertaking road works and protection of the road or its users from damage and hazards. The wider regulation of traffic for good management of traffic flow etc is dealt with other legislative heads. An infrastructure initiative implemented as road works follows from planning undertaken under other powers of council and complemented if necessary by a regulation of traffic response. There is a need for review of ss 74 and 76. Are these sections ever enforced? It is important that the implications of any scheme be assessed, presumably through the Environmental Planning and Assessment Act (?) to ensure there are no unintended or unmitigated consequences of the scheme.

A classification system replacing the existing classification system and based on the following principles is suggested:

**State Roads** - State Roads are the main routes that facilitate the economic function of the State. They provide logical, continuous and regularly spaced connections between major cities and towns both internal and external to the State as well as access to major transport terminals such as ports, rail freight interchanges and airports. While most of these roads provide local property access, the volume and nature of traffic demands that special attention is given to maximising safety and traffic efficiency. In considering whether a road should be a State Road the Minister will consider the resources available generally for investment in provision and

maintenance of infrastructure that supports the function of State Roads. It may not be desirable that the most direct route between every major centre be designated a State Road.

**Freeways** - Freeways are a special category of State Road. The primary characteristic of a freeway is its segregation from intersecting roads by grade separated interchanges that facilitate smooth traffic flow over longer distances. Access is denied to adjacent property (with some limited exceptions associated with management of the road).

**Tollways** – Although tollways are not public roads they can be regarded as State Roads.

**Transitways** – Only certain restricted classes of vehicles can use transitways. Transitways may be on State, Regional, Local or private roads. Transport generally exercises the responsibility for the transit lanes. Consideration should be given to the designation of the roads authority for transitways, noting that they may exist variously within public roads, roads owned by Transport or any road proposed to be constructed on land owned, leased or controlled, or to be owned, leased or controlled, by TfNSW. Note also that for the purposes of the Road Transport Act transitways are not roads or road related areas.

**Regional Roads** - Regional Roads facilitate the economic function of a region. They provide secondary linkages between significant cities and towns and connect areas of economic production to their regional centre as well as to State Roads. Compared with State Roads in the region they carry less traffic or traffic over shorter distances. Within the network of roads they complement State Roads. In considering whether a road should be a Regional Road the Minister must consider the resources available generally for investment in provision of infrastructure that supports the function of Regional Roads. It may not be feasible that the most direct route between every centre be designated a Regional Road.

**Local Roads** - Local Roads primarily have a local function such as providing for access to property and for trips between home and work, education, shopping and recreation. They are the basic fabric of the road system and it is presumed that a public road is a Local Road unless it is categorised otherwise. Some Local Roads may provide the shortest connection between towns or even cities but this is not a sufficient reason for categorising a road as being a Regional or State Road.

**State Works** – State Works are works which have been declared by the Minister by order published in the Gazette on account of their nature, size, location or importance. The RTA's powers to construct or maintain State Works are constrained; money from Transport Fund cannot be used unless it has been provided by Parliament for such a work, except in relation to deemed State Works under the former State Roads Act 1986. The practical effect of this provision (s80) of the Transport Administration Act 1988 is that no new State Work can be undertaken without the approval of Parliament. It is not proposed this restriction be removed, though Transport should be able to continue maintaining certain works (bridges or equivalent works such as ferries).