



New South Wales

Transport Administration (Staff) Amendment (Review and Probation) Regulation 2001

under the

Transport Administration Act 1988

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Transport Administration Act 1988*.

CARL SCULLY, M.P.,

Minister for Transport

Explanatory note

The object of this Regulation is to amend the *Transport Administration (Staff) Regulation 2000*:

- (a) to omit the entitlement to an internal review by the SRA of an appointment to an SRA officer's position while preserving the right to appeal to a Transport Appeal Board in respect of such an appointment, and
- (b) to enable a person appointed on probation as an SRA officer to be appointed to a probation period of less than 6 months, and
- (c) to preserve an internal review or an entitlement to appeal existing immediately before the amendment.

This Regulation is made under the *Transport Administration Act 1988*, including sections 58 (Regulations relating to staff) and 119 (the general regulation-making power).

Schedule 1 Amendments

(Clause 3)

[1] Clause 8

Omit clause 8. Insert instead:

8 Promotion appeals

- (1) For the purposes of this clause, an appointment to a position is *subject to appeal* if:
 - (a) the appointment is to an SRA officer's position with a maximum salary that is below the minimum salary for the position of Management Level 1, and
 - (b) the vacancy in the position was advertised.
- (2) An SRA officer may appeal to a Transport Appeal Board against the appointment of an SRA officer to a position that is subject to appeal.
- (3) An appeal may be lodged only by an SRA officer who was an unsuccessful applicant for the vacant position.
- (4) Despite subclause (1), a decision to appoint:
 - (a) an SRA officer to a position that was not advertised (or that the SRA filled under clause 5 (5) as if it had not been advertised), or
 - (b) a person who is not an SRA officer to any position,is not subject to appeal to a Transport Appeal Board.
- (5) The only ground on which an SRA officer may, under this clause, appeal to a Transport Appeal Board is that the merit of the officer is greater than that of the officer selected.

Note. Part 3 of the *Transport Appeal Boards Act 1980* applies to appeals to a Transport Appeal Board.

[2] Clause 9 Appointment on probation

Insert "or such shorter period as the SRA determines" after "6 months" in clause 9 (1).

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Schedule 1 Amendments

[3] Clause 9 (4)

Omit “any such total period of 12 months”.

Insert instead “a period of probation under this clause”.

[4] Clause 38

Insert after clause 37:

38 Provisions consequent on making of Transport Administration (Staff) Amendment (Review and Probation) Regulation 2001

- (1) In this clause, *amending Regulation* means the *Transport Administration (Staff) Amendment (Review and Probation) Regulation 2001*.
- (2) Clause 8, as in force immediately before its amendment by the amending Regulation, continues to apply:
 - (a) to and in respect of any review under that clause that was not completed before that clause was amended, and
 - (b) to and in respect of any entitlement to appeal that had accrued under that clause before it was amended,as if that clause had not been amended.

BY AUTHORITY
