



# Transport Administration (General) Amendment (Western Sydney Buses) Regulation 2002

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

Section 33 of the *Transport Administration Act 1988* provides for regulations to constitute a public subsidiary corporation for the purposes of the section and provides that the State Transit Authority may, with approval of the Minister for Transport, transfer any of its assets, rights or liabilities to such a corporation. Section 32 of the Act provides that any function of the State Transit Authority may be exercised by such a public subsidiary corporation.

The objects of this Regulation are:

- (a) to constitute Western Sydney Buses as a public subsidiary corporation, and
- (b) to specify the functions of Western Sydney Buses, and
- (c) to provide that if any of the assets, rights and liabilities of the State Transit Authority are transferred to Western Sydney Buses, or vice-versa, the assets, rights and liabilities vest without the need for any transfer, conveyance or assignment.

This Regulation is made under sections 33 and 119 (the general regulation-making power) of the *Transport Administration Act 1988*.

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Clause 1            Transport Administration (General) Amendment (Western Sydney Buses)  
Regulation 2002

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**Transport Administration (General) Amendment  
(Western Sydney Buses) Regulation 2002**

**1    Name of Regulation**

This Regulation is the *Transport Administration (General) Amendment  
(Western Sydney Buses) Regulation 2002*.

**2    Commencement**

This Regulation commences on 12 July 2002.

**3    Amendment of Transport Administration (General) Regulation 2000**

The *Transport Administration (General) Regulation 2000* is amended  
as set out in Schedule 1.

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## Schedule 1 Amendment

(Clause 3)

### Part 4A

Insert after clause 19:

## Part 4A Western Sydney Buses

### 19A Definitions

In this Part:

*Liverpool-Parramatta Transitway* means the transitway service operating between Liverpool and Parramatta.

*transitway service* means a regular passenger service conducted by bus by means of a transitway route or emergency route (being a route determined under the *Passenger Transport Act 1990*), or one or more parts of any such route.

*Western Sydney Buses* means the body corporate constituted by this Regulation.

### 19B Constitution of Western Sydney Buses

For the purposes of section 33 of the Act, there is constituted by this Regulation a body corporate with the corporate name of Western Sydney Buses.

### 19C Functions of Western Sydney Buses

- (1) Western Sydney Buses has all the functions of the State Transit Authority with respect to the operation of the Liverpool-Parramatta Transitway.
- (2) The provisions of section 24 (Miscellaneous functions of STA) of the Act apply to and in respect of Western Sydney Buses in the same way as they apply to and in respect of the State

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Transit Authority, but only so as to confer functions on Western Sydney Buses for the purpose of enabling it to exercise its functions under subclause (1).

**Note.** Section 33 of the Act provides that a public subsidiary corporation has such of the functions of the State Transit Authority as are specified in the regulations or delegated to it under the Act.

#### **19D Manager**

- (1) The Chief Executive of the State Transit Authority is to appoint a person as the Manager of Western Sydney Buses. That person must be a person who is employed under section 60 of the Act.
- (2) The affairs of Western Sydney Buses are to be managed and controlled by the Manager in accordance with the policies of the State Transit Authority and the directions of the Chief Executive Officer of the State Transit Authority.
- (3) Any act, matter or thing done in the name of, or on behalf of, Western Sydney Buses by the Manager is taken to have been done by Western Sydney Buses.

#### **19E Ministerial control**

- (1) The provisions of section 29 (Ministerial control) of the Act apply to and in respect of Western Sydney Buses in the same way as those provisions apply to and in respect of the State Transit Authority.
- (2) In its application to and in respect of Western Sydney Buses, section 29 of the Act is to be read as if a reference in that section to the Chief Executive of the State Transit Authority included a reference to the Manager of Western Sydney Buses, so that the Manager of Western Sydney Buses has the same obligations as the Chief Executive of the State Transit Authority to ensure compliance with directions under that section with respect to Western Sydney Buses.

#### **19F Staff**

- (1) Such staff as are necessary for the purposes of this Part may be employed under sections 60 and 61 of the Act.

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- (2) Western Sydney Buses may arrange for the use of the services of any staff or facilities of the State Transit Authority. A person whose services are made use of under this clause remains a member of staff of the State Transit Authority.
  - (3) Section 60 (Employment of staff) of the Act applies in respect of Western Sydney Buses as if Western Sydney Buses formed part of the State Transit Authority, so as to authorise the employment of staff to enable Western Sydney Buses to exercise its functions.

**19G Financial provisions**

- (1) The provisions of Divisions 2 and 4 of Part 8 of the Act apply to and in respect of Western Sydney Buses as if a reference in those provisions to the State Transit Authority or to an Authority included a reference to Western Sydney Buses, but not so as to authorise or require the establishment of any fund in addition to the State Transit Authority Fund.
- (2) For the purposes of the application of section 76 of the Act to Western Sydney Buses, the reference in that section to the Minister is taken to be a reference to the State Transit Authority.

**19H Sale, lease or other disposal of land**

Section 100 (Sale, lease or other disposal of land) of the Act applies in respect of Western Sydney Buses so as to authorise Western Sydney Buses to sell, lease or otherwise dispose of any of its land, with the approval of the Minister.

**19I Protection from liability**

The provisions of section 112 of the Act apply to and in respect of Western Sydney Buses as if a reference in those provisions to the Chief Executive of the State Transit Authority included a reference to the Manager of Western Sydney Buses.

**19J Application of other provisions of Act to Western Sydney Buses**

The following provisions of the Act apply to and in respect of Western Sydney Buses in the same way as they apply to and in respect of the State Transit Authority:

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- (a) section 30 (STA to supply information to Minister),
- (b) section 35 (Delegation of functions of STA),
- (c) section 115 (Recovery of charges etc by transport authority).

#### **19K Application of other Acts to Western Sydney Buses**

- (1) The provisions of or made under any Act other than the *Transport Administration Act 1988* apply to and in respect of Western Sydney Buses as if a reference in those provisions to the State Transit Authority included a reference to Western Sydney Buses, except as provided by subclause (2).
- (2) The provisions of or made under the following Acts apply to and in respect of Western Sydney Buses as if Western Sydney Buses formed part of the State Transit Authority and as though the exercise of functions by and operations of Western Sydney Buses were the exercise of functions by and operations of the State Transit Authority:
  - (a) *Public Finance and Audit Act 1983*,
  - (b) *Public Authorities (Financial Arrangements) Act 1987*,
  - (c) *Annual Reports (Statutory Bodies) Act 1984*.

#### **19L Effect of transfer of assets, rights and liabilities**

- (1) This clause applies to the transfer to or by Western Sydney Buses of any asset, right or liability under section 33 (5) of the Act, unless the instrument of transfer provides that this clause is not to apply to the transfer.
- (2) The following provisions have effect in relation to a transfer of any asset, right or liability:
  - (a) the asset vests in the transferee by virtue of this clause and without the need for any transfer, conveyance or assignment,
  - (b) the right or liability becomes by virtue of this clause the right or liability of the transferee,
  - (c) all proceedings relating to the asset, right or liability commenced before the transfer by or against the

transferor pending immediately before the transfer are taken to be proceedings pending by or against the transferee,

- (d) any act, matter or thing done or omitted to be done in relation to the asset, right or liability before the transfer by, to or in respect of the transferor is (to the extent that the act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the transferee,
  - (e) a reference in any instrument made under any Act (other than the *Transport Administration Act 1988*) or in any document of any kind to the transferor is (to the extent that it relates to the asset, right or liability but subject to this clause) to be read as, or as including, a reference to the transferee.
- (3) The operation of this clause is not to be regarded:
- (a) as a breach of contract or confidence or otherwise as a civil wrong, or
  - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
  - (c) as giving rise to any remedy by a party to a contract or instrument, or as causing or permitting the termination of any contract or instrument, because of a change in the beneficial or legal ownership of any asset, right or liability, or
  - (d) as an event of default under any contract or instrument.
- (4) No attornment to the transferee by a lessee from the transferor is required.
- (5) Duty is not chargeable in respect of:
- (a) a transfer of assets, rights or liabilities in accordance with section 33 (5) of the Act, or
  - (b) anything certified by the Minister as having been done in consequence of such a transfer (for example, the transfer or registration of an interest in land).

BY AUTHORITY