



New South Wales

# Transport Administration (General) Amendment (Chief Executive Officers) Regulation 2009

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*.

DAVID CAMPBELL, MP  
Minister for Transport

## Explanatory note

As a consequence of the *Transport Administration Amendment (Rail and Ferry Transport Authorities) Act 2008*, both RailCorp and Sydney Ferries ceased being State owned corporations (*SOCs*) and became statutory corporations constituted under the *Transport Administration Act 1988*. Provision was also made for the existing CEOs of the former *SOCs* to be appointed as the CEO of RailCorp and Sydney Ferries, respectively, on the same terms and conditions as applied to their previous appointment. Those terms and conditions include references to certain offices (such as the Chairperson and the directors of the board of the former *SOC* concerned) that no longer exist.

The object of this Regulation is to provide that references (in the continued terms and conditions relating to the existing RailCorp and Sydney Ferries CEOs) to certain offices that have ceased to exist are to be treated as references to the person who, under Part 3.1 of the *Public Sector Employment and Management Act 2002*, is the employer of chief executive officers (namely, the Minister administering that Act or his or her delegate).

This Regulation is made under the *Transport Administration Act 1988*, including clause 2 (1) of Schedule 7.

**2009 No 126**

Clause 1      Transport Administration (General) Amendment (Chief Executive Officers)  
Regulation 2009

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**Transport Administration (General) Amendment (Chief Executive Officers) Regulation 2009**

under the

Transport Administration Act 1988

**1 Name of Regulation**

This Regulation is the *Transport Administration (General) Amendment (Chief Executive Officers) Regulation 2009*.

**2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

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## Schedule 1      Amendment of Transport Administration (General) Regulation 2005

### Clause 40

Insert after clause 39:

#### 40      Transitional provision relating to existing CEOs of RailCorp and Sydney Ferries

(1)      In this clause:

*continued terms and conditions*, in relation to an existing CEO, means the terms and conditions relating to the appointment of the existing CEO (including the terms and conditions of any contract of employment and the provisions of the Act as in force immediately before the commencement of the *Transport Administration Amendment (Rail and Ferry Transport Authorities) Act 2008*) that are taken to continue to apply to the existing CEO under clause 164 (1) or 168 (1) (as the case requires) of Schedule 7 to the Act.

*existing CEO* means the existing RailCorp CEO or the existing Sydney Ferries CEO.

*existing RailCorp CEO* means the person referred to in clause 164 (1) of Schedule 7 to the Act.

*existing Sydney Ferries CEO* means the person referred to in clause 168 (1) of Schedule 7 to the Act.

(2)      References, in the continued terms and conditions that relate to an existing CEO, to each of the following are taken to be references only to the person who, under Part 3.1 of the *Public Sector Employment and Management Act 2002*, is the employer of chief executive officers or is the person to whom the functions as such an employer have been delegated under that Act:

- (a)      the board of directors of RailCorp or of Sydney Ferries (as the case requires),
- (b)      the Chairperson of the board of directors of RailCorp or of Sydney Ferries (as the case requires),
- (c)      the voting shareholders and the portfolio Minister.

(3)      Subclause (2) has effect in relation to any such references in the continued terms and conditions only until such time as an order is made under clause 164 (2) or 168 (2) (as the case requires) of Schedule 7 to the Act to vary those continued terms and conditions that are affected by subclause (2).