



New South Wales

Transport Administration (General) Amendment (WestConnex Delivery Authority) Regulation 2015

under the

Transport Administration Act 1988

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

DUNCAN GAY, MLC
Minister for Roads, Maritime and Freight

Explanatory note

The object of this Regulation is to dissolve WestConnex Delivery Authority on 1 October 2015. WestConnex Delivery Authority (the **Authority**) is a public subsidiary corporation of RMS constituted in accordance with section 55C of the *Transport Administration Act 1988*. On the dissolution of the Authority, section 55C (7) of that Act provides for the Authority's assets, rights and liabilities to become the assets, rights and liabilities of RMS.

This Regulation is made under the *Transport Administration Act 1988*, including sections 55C and 119 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Transport Administration (General) Amendment (WestConnex Delivery Authority) Regulation 2015*.

2 Commencement

This Regulation commences on 1 October 2015 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Transport Administration (General) Regulation 2013

[1] Part 4A WestConnex Delivery Authority

Omit the Part.

**[2] Clause 87 Additional classes of persons to whom RMS may delegate functions:
section 50**

Omit clause 87 (1) (f).

[3] Clause 93

Insert after clause 92:

93 Transfer of assets, rights and liabilities on dissolution of WestConnex Delivery Authority

- (1) This clause applies to the transfer of any asset, right or liability of WestConnex Delivery Authority (the *former Authority*) to RMS by section 55C (7) of the Act.
- (2) The following provisions have effect in relation to a transfer of any asset, right or liability to which this clause applies:
 - (a) the asset vests in RMS 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 RMS,
 - (c) all proceedings relating to the asset, right or liability commenced before the transfer by or against the former Authority pending immediately before the transfer are taken to be proceedings pending by or against RMS,
 - (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 former Authority is (to the extent that the act, matter or thing has any force or effect) taken to have been done or omitted to be done by, to or in respect of RMS,
 - (e) RMS has all the entitlements and obligations of the former Authority in relation to those assets, rights and liabilities that the former Authority would have had but for the transfer, whether or not those entitlements and obligations were actual or potential at the time the transfer took effect,
 - (f) 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 former Authority 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 RMS.
- (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 RMS by a lessee from the former Authority is required.
- (5) The Minister may, by notice in writing, confirm a transfer of particular assets, rights and liabilities by operation of this clause. Such a notice is considered conclusive evidence of that transfer.