



New South Wales

Transport Administration Amendment (Senior Executive Transitional Arrangements) Regulation 2017

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*.

ANDREW CONSTANCE, MP
Minister for Transport and Infrastructure

Explanatory note

The object of this Regulation is to modify the transitional arrangements relating to Transport Service senior executives and senior managers whose employment will, as a consequence of amendments made by the *Government Sector Employment Legislation Amendment Act 2016*, be aligned to the new employment arrangements for Public Service senior executives.

This Regulation is made under the *Transport Administration Act 1988* (as amended by the *Government Sector Employment Legislation Amendment Act 2016*), including clause 2 of Schedule 7.

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1 Name of Regulation

This Regulation is the *Transport Administration Amendment (Senior Executive Transitional Arrangements) Regulation 2017*.

2 Commencement

This Regulation commences on 1 July 2017 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Transport Administration Act 1988 No 109

[1] Schedule 7 Savings, transitional and other provisions

Omit the definition of *former senior executive provisions* from the clause headed “Definitions” in the Part headed “Provisions consequent on enactment of *Government Sector Employment Legislation Amendment Act 2016*”.

Insert instead:

former senior executive provisions means the provisions of Part 7A of this Act as in force before its substitution by the amending Act (including any other provisions of this Act or the regulations that relate to the operation of that Part as so in force) applying in relation to existing senior executives or existing senior managers immediately before 1 July 2017.

[2] Schedule 7

Insert, with appropriate clause numbering, after the clause headed “Existing non-executive employees”:

Pending recruitment action and eligibility lists

- (1) Any recruitment action relating to an executive position (within the meaning of the former senior executive provisions) that was commenced but not completed before 1 July 2017 may be completed under and in accordance with the former senior executive provisions.
- (2) A person who is recruited or offered employment in accordance with the former senior executive provisions is, on the commencement of the person’s employment under those provisions, taken to be a Transport Service senior executive or Transport Service senior manager (as the case requires).
- (3) An eligibility list that is created in connection with any recruitment action completed in accordance with subclause (1) may be used in relation to a role that is comparable to the position or role for which the list is created, but only for a period of up to 12 months following the date of approval of the report by the relevant selection panel.
- (4) An eligibility list that was current under the former senior executive provisions may continue to be used in relation to a role that is comparable to the position for which the list was created, but only for a period of up to 12 months following the date of approval of the report by the relevant selection panel.

Existing temporary arrangements

Any acting appointment, temporary assignment or secondment of an existing senior executive or existing senior manager that had effect under the former senior executive provisions immediately before 1 July 2017 continues to have effect under the new senior executive provisions for the term of the acting appointment, temporary assignment or secondment of the executive or manager concerned.

Unsatisfactory performance and misconduct

Any proceedings for unsatisfactory performance or misconduct pending under the former senior executive provisions immediately before 1 July 2017 are to continue to be dealt with under those provisions.

Existing groups of staff

Anything done by the Transport Secretary under clause 32A of the *Transport Administration (Staff) Regulation 2012* and in force immediately before the repeal of that clause by the amending Act is taken to have been done under section 68Q (1) (as inserted by the amending Act).