



New South Wales

Transport Administration (General) Amendment 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 amend the *Transport Administration (General) Regulation 2013* and the *Transport Administration (Staff) Regulation 2012* as a consequence of the commencement of Schedule 1 to the *Transport Administration Amendment (Transport Entities) Act 2017*.

This Regulation is made under the *Transport Administration Act 1988*, including section 119 (the general regulation-making power) of, and clause 2 of Schedule 7 to, that Act.

Transport Administration (General) Amendment Regulation 2017

under the

Transport Administration Act 1988

1 Name of Regulation

This Regulation is the *Transport Administration (General) Amendment 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 (General) Regulation 2013

[1] Clause 3 Definitions

Omit the definitions of *Chief Executive of NSW Trains*, *Chief Executive of Sydney Trains*, *NSW Trains* and *Sydney Trains* from clause 3 (1).

Insert in alphabetical order:

RTC land means land vested in RTC.

[2] Clause 3 (1), definition of “relevant Authority”

Omit “Sydney Trains or NSW Trains,” from paragraph (a).

[3] Clause 3 (1), definition of “relevant Authority”

Insert at the end of paragraph (e):

, or

(f) RTC, in relation to RTC land.

[4] Clause 3 (1), definition of “traffic control officer”

Omit “RailCorp land or” wherever occurring in paragraphs (d) and (e).

[5] Clauses 5–8

Insert “RTC land,” after “RailCorp land,” wherever occurring.

[6] Parts 3 and 4

Omit the Parts.

[7] Clause 88 TfNSW to be State rail operator for certain purposes: section 89

Omit the clause.

[8] Clause 90 Interpretation of references to SRA

Insert “, Sydney Trains, NSW Trains and TfNSW” after “RailCorp”.

[9] Schedule 2

Insert after Schedule 1:

Schedule 2 Savings, transitional and other provisions

Part 1 Provision consequent on commencement of Schedule 1 to Transport Administration Amendment (Transport Entities) Act 2017

1 References to RailCorp in other Acts and instruments

A reference to RailCorp in a provision of an Act or an instrument specified in Column 1 of the Table to this clause includes a reference to the corporation or corporations specified in Column 2 of the Table in relation to that provision.

Table

Column 1	Column 2
Reference to RailCorp	Includes reference to following corporations
Clause 5 of Schedule 3 to the <i>Conveyancing (Sale of Land) Regulation 2010</i>	Sydney Trains
Schedule 2A to the <i>Criminal Procedure Regulation 2010</i>	NSW Trains, Sydney Trains and RTC
Schedule 2 to the <i>Public Authorities (Financial Arrangements) Regulation 2013</i>	NSW Trains, Sydney Trains and RTC
Clause 83 of the <i>Roads Regulation 2008</i>	Sydney Trains
Clause 9 (1) of the <i>State Authorities Superannuation (Transport Officers' Gratuity Scheme Transfer) (Savings and Transitional) Regulation 1989</i>	NSW Trains and Sydney Trains
Clauses 4, 12, 16 and 33 of <i>State Environmental Planning Policy No 64—Advertising and Signage</i>	NSW Trains, Sydney Trains and TfNSW
Clause 41E (1) of, and clause 3 of Schedule 5 to, the <i>Water Management (General) Regulation 2011</i>	NSW Trains, Sydney Trains and RTC
Clause 27 of the <i>Water (Part 2—General) Regulation 1997</i>	NSW Trains, Sydney Trains and RTC
Clause 8 of the <i>Water (Part 5—Bore Licences) Regulation 1995</i>	NSW Trains, Sydney Trains and RTC
Schedule 1 to the <i>Water Savings Order 2005</i>	NSW Trains and Sydney Trains
The definition of electricity supply authority in clause 5 (1) of the <i>Work Health and Safety Regulation 2011</i>	Sydney Trains

Schedule 2 Amendment of Transport Administration (Staff) Regulation 2012

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

NSW Trains officer means an employee of NSW Trains other than a casual or temporary employee.

Sydney Trains officer means an employee of Sydney Trains other than a casual or temporary employee.

[2] Part 4, heading

Omit the heading to Part 4. Insert instead:

Part 4 RailCorp, NSW Trains, Sydney Trains and Sydney Ferries staff

[3] Clause 19 Definitions

Insert “, NSW Trains, Sydney Trains” after “RailCorp” in the definition of *transport corporation*.

[4] Clause 19, definition of “transport corporation officer”

Insert after paragraph (a) of the definition:

(a1) in the case of NSW Trains—a NSW Trains officer, or

(a2) in the case of Sydney Trains—a Sydney Trains officer, or

[5] Clause 24

Omit the clause. Insert instead:

24 Promotion reviews relating to RailCorp officers, NSW Trains officers and Sydney Trains officers

- (1) For the purposes of this clause, an appointment to a position is a *reviewable appointment* if:
 - (a) the appointment is to a position as a RailCorp officer, NSW Trains officer or Sydney Trains officer with a maximum salary that is below the minimum salary for a position graded RailCorp Grade 5 at the time of advertising the position, and
 - (b) the vacancy in the position was advertised.
- (2) A RailCorp officer, NSW Trains officer or Sydney Trains officer may apply for a review by the relevant transport corporation of a reviewable appointment.
- (3) An application for such a review may be made only by a transport corporation officer:
 - (a) who was an unsuccessful applicant for the vacant position, and
 - (b) for whom the vacant position would be a promotion.
- (4) An application for such a review must be made within 5 days of the relevant transport corporation notifying its decision on the vacancy to the unsuccessful applicant or in a notice circulated among officers seeking promotion, as the case requires.

- (5) Despite subclause (1), the appointment to any position of a person who is not a transport corporation officer is not a reviewable appointment for the purposes of this clause.
- (6) The only ground on which a transport corporation officer may, under this clause, seek a review is denial of procedural fairness.

[6] Part 4, Division 4

Omit the Division. Insert instead:

Division 4 Other provisions relating to RailCorp, NSW Trains and Sydney Trains staff

25A Application

This Division applies to the following transport corporation officers:

- (a) RailCorp officers,
- (b) NSW Trains officers,
- (c) Sydney Trains officers.

26 Employment outside official duties

- (1) A transport corporation officer to whom this Division applies must not, except with the permission of the officer's transport corporation:
 - (a) hold any paid office or engage in any paid employment, or
 - (b) carry on any business or engage in the private practice of any profession,
outside the duties of the officer's position.
- (2) The transport corporation concerned may, by notice in writing given to the transport corporation officer concerned, withdraw any such permission at any time.
- (3) For the purposes of this clause, a transport corporation officer is taken to hold a paid office or engage in paid employment even though:
 - (a) the officer does not accept payments to which the officer is entitled for the officer's services, or
 - (b) the officer accepts only an honorarium or allowance for the officer's services.
- (4) A transport corporation officer who contravenes this clause is taken to be guilty of misconduct for the purposes of disciplinary proceedings.

27 Return of property on termination of employment

- (1) A transport corporation officer or other employee of a transport corporation whose employment is terminated or suspended must, on the last day of the person's duty before the termination or suspension, return any property belonging to the transport corporation that is in the person's possession at that time.
- (2) In this clause, *termination* means resignation, retirement, dismissal, retrenchment or other cessation of employment, and includes unauthorised absence from duty.