

Transport Administration (General) Regulation 2005

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New South Wales

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Transport Administration (General) Regulation 2005



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Transport Administration (General) Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note—

This Regulation replaces the *Transport Administration (General) Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

drive includes ride or draw a vehicle and ride or lead an animal.

former Regulation means the *Transport Administration (General) Regulation 2000*.

prescribed traffic control device has the same meaning as in Division 1 of Part 4 of the *Road Transport (Safety and Traffic Management) Act 1999*.

RailCorp land means land vested in RailCorp.

relevant Authority means:

- (a) RailCorp, in relation to RailCorp land, or
- (b) the STA, in relation to STA land, or
- (c) Sydney Ferries, in relation to Sydney Ferries land.

STA means the State Transit Authority.

STA land means land vested in the STA.

Sydney Ferries land means land vested in Sydney Ferries.

the Act means the *Transport Administration Act 1988*.

traffic control device means a sign, signal, marking or other device:

- (a) that is in the form of, or is in similar form to, a prescribed traffic control device, and
- (b) that is erected, displayed or marked on RailCorp, Sydney Ferries or STA land by order of the relevant authority.

traffic control officer means:

- (a) a police officer, or
- (b) a person or a member of a class of persons appointed in writing by the chief executive officer of RailCorp, in relation to RailCorp land, or
- (c) a person or a member of a class of persons appointed in writing by the Chief Executive of the STA, in relation to STA land, or
- (d) a person or a member of a class of persons appointed in writing by the chief executive officer of Sydney Ferries, in relation to Sydney Ferries land.

vehicle includes a bicycle, but does not include any vehicle used on railway lines.

- (2) Notes included in this Regulation do not form part of this Regulation.

Part 2 Traffic control

4 Traffic control devices

- (1) Words appearing on a traffic control device have the same meanings as they have on prescribed traffic control devices.
- (2) The words “receipt and delivery zone” on a traffic control device have the same meaning as “loading zone” has in Rule 179 of the *Road Rules 2008*.

5 Powers of traffic control officers and duties of drivers

- (1) The driver of a vehicle on RailCorp, Sydney Ferries or STA land must give to a traffic control officer such information regarding the standing or parking of the vehicle on the land as the officer requires.

Maximum penalty: 2 penalty units.

- (2) A traffic control officer may direct the driver of a vehicle standing or parking on RailCorp, Sydney Ferries or STA land:

- (a) that the vehicle not stand or be parked in an area or a part of an area on the land, or
 - (b) that the vehicle be removed from an area or a part of an area on the land, or
 - (c) that the vehicle be moved to a particular position, stand or be parked in a particular location or join a particular line of vehicles on the land, or
 - (d) otherwise relating in any way to the standing or parking of the vehicle on the land.
- (3) The driver of a vehicle to whom such a direction is given must not fail to comply with the direction.

Maximum penalty: 2 penalty units.

6 Parking of vehicles only in parking areas

- (1) A person must not cause a vehicle to stand or be parked on RailCorp, Sydney Ferries or STA land:
- (a) on which there is no traffic control device erected, displayed or marked, or
 - (b) on which there is no other sign erected, displayed or marked by order of the relevant Authority permitting the standing or parking of vehicles.

Maximum penalty: 2 penalty units.

- (2) This clause does not prohibit:
- (a) the standing of a vehicle while it is actually engaged in taking up or setting down goods, or while any person is actually entering or alighting from it, or
 - (b) the standing or parking of a vehicle as directed or authorised by a traffic control officer.

7 Parking contrary to traffic control devices

- (1) A person must not, on RailCorp, Sydney Ferries or STA land, cause a vehicle to stand or be parked in contravention of the direction appearing on, or represented by, any traffic control device that is erected, displayed or marked on that land.

Maximum penalty: 2 penalty units.

- (2) This clause does not prohibit the standing or parking of a vehicle as directed or authorised by a traffic control officer.

8 False representation

A person must not falsely represent:

- (a) that he or she or any other person is a traffic control officer exercising the powers of a

traffic control officer under this Regulation, or

- (b) that a notice or sign is erected, displayed or marked on RailCorp, Sydney Ferries or STA land by order of the relevant Authority, or
- (c) that a direction relating to the standing, waiting or parking of a vehicle on RailCorp, Sydney Ferries or STA land has been given by a traffic control officer.

Maximum penalty: 2 penalty units.

9 Prescribed traffic control facilities

For the purposes of paragraph (b) (ii) of the definition of **traffic control facility** in section 45E (1) of the Act, the road transport legislation within the meaning of the *Road Transport (General) Act 1999* is prescribed.

Part 3 Western Sydney Buses

10 Definitions

In this Part:

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

transitway service has the same meaning as it has in the *Passenger Transport Act 1990*.

Western Sydney Buses means the corporation of that name that is taken to have been constituted as a public subsidiary corporation of the State Transit Authority as provided by clause 178 of Schedule 7 to the Act.

11 Continuation of Western Sydney Buses

The body corporate with the corporate name of Western Sydney Buses is continued in existence by this Regulation.

12 Functions of Western Sydney Buses

- (1) Western Sydney Buses has all the functions of the STA 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 STA, 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 55C (Public subsidiary corporations) 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.

Western Sydney Buses is such a corporation.

13 Manager

- (1) The Chief Executive of the STA is to appoint a person as the Manager of Western Sydney Buses. That person must be a person who is employed under Chapter 1A of the *Public Sector Employment and Management Act 2002*.
- (2) The affairs of Western Sydney Buses are to be managed and controlled by the Manager in accordance with the policies of the STA and the directions of the Chief Executive Officer of the STA.
- (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.

14 Ministerial responsibility

- (1) The provisions of section 3B 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 3B 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.

15 (Repealed)

16 Financial provisions

- (1) The provisions of Divisions 2 (Financial provisions relating to State Transit Authority) and 4 (Financial provisions relating to Authorities generally) 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 (Payment of dividend to Treasurer) of the Act to Western Sydney Buses, the reference in that section to the Minister is taken to be a reference to the STA.

17 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.

18 Protection from liability

The provisions of section 112 (Personal liability of certain persons) 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.

19 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:

- (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).

20 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 STA and as though the exercise of functions by and operations of Western Sydney Buses were the exercise of functions by and operations of the STA:
 - (a) *Public Finance and Audit Act 1983*,
 - (b) *Public Authorities (Financial Arrangements) Act 1987*,
 - (c) *Annual Reports (Statutory Bodies) Act 1984*.

21 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 55C (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.

Part 3A Transport Cleaning Services

21A Definitions

In this Part:

Executive Director means the Executive Director of Transport Cleaning Services appointed by the Chief Executive of RailCorp under clause 21D.

Transport Cleaning Services means the body corporate constituted by this Part.

21B Constitution of Transport Cleaning Services

For the purposes of section 55C of the Act, there is constituted by this Part a body corporate with the name of Transport Cleaning Services.

21C Functions of Transport Cleaning Services

- (1) Transport Cleaning Services has all the functions of RailCorp with respect to cleaning and improved presentation of rolling stock, railway stations and platforms, rolling stock maintenance facilities and rail yard facilities.
- (2) Section 10 of the Act applies to and in respect of Transport Cleaning Services in the

same way as it applies to and in respect of RailCorp, but only so as to confer functions on Transport Cleaning Services for the purpose of enabling it to exercise its functions under subclause (1).

21D Executive Director

- (1) The Chief Executive of RailCorp, with the approval of the Minister, is to appoint a person as the Executive Director of Transport Cleaning Services.
- (2) The employment of the Executive Director is to be governed by a contract of employment between the Chief Executive of RailCorp (as employer) and the Executive Director.
- (3) The affairs of Transport Cleaning Services are to be managed and controlled by the Executive Director in accordance with the directions of the Chief Executive of RailCorp.
- (4) Any act, matter or thing done in the name of, or on behalf of, Transport Cleaning Services by the Executive Director is taken to have been done by Transport Cleaning Services.

21E Ministerial responsibility

The Executive Director is, in the exercise of his or her functions, subject to the control and direction of the Minister.

21F Staff

- (1) Division 1A of Part 7 of the Act and the regulations made under section 58C of the Act apply to and in respect of Transport Cleaning Services in the same way as they apply to and in respect of RailCorp.
- (2) Section 58C (2) (c) of the Act, and any regulations made under section 58C (2) (c), do not apply in respect of the staff of Transport Cleaning Services.
- (3) Transport Cleaning Services may arrange for the use of the services of any staff or facilities of RailCorp. A person whose services are made use of under this clause remains a member of staff of RailCorp.

21G Supply of information to Minister

Section 17A of the Act applies to and in respect of Transport Cleaning Services in the same way as it applies to and in respect of RailCorp.

21H Delegation of functions

Section 17F of the Act applies to and in respect of Transport Cleaning Services as if a reference in that section to RailCorp included a reference to Transport Cleaning Services.

21I Financial provisions

The provisions of Divisions 1 (Financial provisions relating to RailCorp) and 4 (Financial provisions relating to Authorities generally) of Part 8 of the Act apply to and in respect of Transport Cleaning Services as if a reference in those provisions to RailCorp or to an Authority included a reference to Transport Cleaning Services, but not so as to authorise or require the establishment of any fund in addition to the RailCorp Fund.

21J Seal

Section 109 of the Act applies to and in respect of Transport Cleaning Services as if a reference in that section to an Authority included a reference to Transport Cleaning Services and a reference to the Chief Executive of the Authority included a reference to the Executive Director.

21K Contracts

Section 110 of the Act applies to and in respect of Transport Cleaning Services as if a reference in that section to a transport authority included a reference to Transport Cleaning Services.

21L Referral of disputes

Section 111 of the Act applies to and in respect of Transport Cleaning Services as if a reference in that section to a transport authority included a reference to Transport Cleaning Services.

21M Personal liability

Section 112 of the Act applies to and in respect of Transport Cleaning Services as if a reference in that section to a transport authority included a reference to Transport Cleaning Services and a reference to a member of a transport authority included a reference to the Executive Director.

21N Presumption of validity

Section 113 of the Act applies to and in respect of Transport Cleaning Services as if a reference in that section to a transport authority included a reference to Transport Cleaning Services.

21O Application of other Acts to Transport Cleaning Services

- (1) The provisions of or made under any Act other than the [Transport Administration Act 1988](#) apply to and in respect of Transport Cleaning Services as if a reference in those provisions to RailCorp included a reference to Transport Cleaning Services, except as provided by subclause (2).
- (2) The provisions of or made under the following Acts apply to and in respect of Transport Cleaning Services as if Transport Cleaning Services formed part of RailCorp

and as though the exercise of functions by and operations of Transport Cleaning Services were the exercise of functions by and operations of RailCorp:

- (a) *Public Finance and Audit Act 1983*,
- (b) *Public Authorities (Financial Arrangements) Act 1987*,
- (c) *Annual Reports (Statutory Bodies) Act 1984*.

21P Effect of transfer of assets, rights and liabilities

- (1) This clause applies to the transfer to or by Transport Cleaning Services of any asset, right or liability under section 55C (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) the transferee has all the entitlements and obligations of the transferor in relation to those assets, rights and liabilities that the transferor would have had but for the order, whether or not those entitlements and obligations were actual or potential at the time the order 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 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) 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.

Part 4 ARTC arrangements

22 Interpretation

- (1) In this Part:

local government rate means a rate levied by a council under the [Local Government Act 1993](#), but does not include a charge levied by a council on land.

temporary member of staff of ARTC means a member of staff of a rail authority who is temporarily placed with ARTC under Division 5 of Part 8A of the Act.

transferring rail authority means the rail authority from which a temporary member of staff of ARTC is temporarily placed with ARTC under Division 5 of Part 8A of the Act.

work injury damages has the same meaning as it has in section 88ZA of the Act.

- (2) Other words and expressions used in this Part have the same meanings as they have in Part 8A of the Act.

23 Exemptions from duty

- (1) Duty under the [Duties Act 1997](#) is not chargeable in respect of any of the following arrangements, or any variation of any such arrangement:
 - (a) a lease or licence or other agreement under section 88B of the Act,
 - (b) a memorandum of understanding to enter into an agreement for a lease or licence under section 88B of the Act,
 - (c) an agreement under section 88C of the Act,
 - (d) an arrangement under section 88D of the Act or a memorandum of understanding to enter into any such arrangement,
 - (e) an agreement for the sale by a rail authority to ARTC of plant, machinery,

equipment, stores or consumables,

- (f) an agreement under section 88U of the Act and any associated agreement between a rail authority and ARTC,
- (g) an agreement between New South Wales, the Commonwealth and ARTC relating to the leasing of, and other arrangements for, the NSW rail network,
- (h) any other agreement entered into by ARTC and a rail authority with each other, or by ARTC and a rail authority with New South Wales or the Commonwealth (or both of them), to give effect to an ARTC arrangement,
- (i) any other agreement entered into by a rail authority with New South Wales or the Commonwealth to give effect to an ARTC arrangement.

- (2) Duty under the *Duties Act 1997* is not chargeable in respect of an application for registration of a motor vehicle by ARTC if the application results from a transfer of ownership of the vehicle to ARTC in connection with an ARTC arrangement and the transfer occurs not later than 2 September 2005.

Note—

The provision equivalent to clause 23 (2) was inserted in the former Regulation on 3 September 2004 and contained the proviso that the transfer occur “not later than 12 months after the commencement of this subclause”.

24 Exemptions from land tax and rates

- (1) This clause applies to land subject to an ARTC lease or licence (being land that is not otherwise exempt from land tax or local government rates) if:
 - (a) rail infrastructure facilities are installed in, on or over the land or it is vacant land,
or
 - (b) the land is used primarily for railway purposes.
- (2) To avoid doubt, this clause applies to land referred to in subclause (1) that is leased by ARTC to another person.
- (3) In this clause, **railway purposes** include:
 - (a) the operation and maintenance of the NSW rail network, and
 - (b) stations and platforms, and
 - (c) office buildings used in association with railway purposes, and
 - (d) purposes ancillary to any railway purposes,but do not include rolling stock maintenance facilities, freight centres or depots or related facilities.

- (4) Land tax is not payable by ARTC in relation to land to which this clause applies.
- (5) Local government rates are not payable in relation to land to which this clause applies.

25 Limitation on liability of ARTC for common law damages

- (1) For the purposes of section 88ZA (2) of the Act, the provisions of the *Workers Compensation Act 1987* set out in subclause (3) (**the applied common law provisions**) apply both to work injury damages recoverable from ARTC, and to work injury damages recoverable from the transferring rail authority, by or in respect of a temporary member of staff of ARTC.
- (2) The provisions so apply as if ARTC were an employer of the member of staff in addition to the transferring rail authority.
- (3) The applied common law provisions are as follows:
 - (a) Divisions 1, 2 and 3 of Part 5,
 - (b) section 151Z.
- (4) Sections 151A, 151C, 151D and 151Z of the *Workers Compensation Act 1987* apply to or in respect of ARTC as if it were an employer liable to pay compensation under that Act.
- (5) Section 151I of the *Workers Compensation Act 1987* applies to work injury damages recoverable from ARTC as if the following subsection were inserted after section 151I (3):
 - (4) In awarding damages in respect of an injured or deceased worker, the court is to reduce the amount otherwise payable under this section by ARTC by the amount of any damages recovered or recoverable from the transferring rail authority.

26 ARTC to be endorsed on self-insurer licences

- (1) For the purposes of section 88ZA (1) (d) and (e), (3) and (4) of the Act, section 211A of the *Workers Compensation Act 1987* applies to ARTC as if it were a wholly owned subsidiary of any rail authority that has employees who are temporary members of staff of ARTC.
- (2) For that purpose, section 211A (1) of that Act is modified to require the WorkCover Authority to endorse the name of ARTC on a self-insurer licence granted to any such rail authority, if requested to do so by the rail authority and ARTC.
- (3) On endorsement on the self-insurer licence, ARTC has all the functions under that Act

of a wholly owned subsidiary that is endorsed on the self-insurer licence of a rail authority, but only to the extent that they relate to temporary members of staff of ARTC.

- (4) Any such endorsement is taken to have effect on and from the first date on which employees of the rail authority became temporary members of staff of ARTC.
- (5) In this clause:

rail authority means Rail Infrastructure Corporation, the State Rail Authority or RailCorp.

self-insurer licence means a licence in force under Division 5 of Part 7 of the [Workers Compensation Act 1987](#).

27 Entitlements of former rail authority employees to recognition of past service

- (1) This clause applies to members of staff of ARTC who:
 - (a) became employees of ARTC on or after 1 June 2004 and not later than 30 days after the commencement of the operation of the first lease between ARTC and a rail authority under Part 8A of the Act, and
 - (b) were employed by a rail authority not more than 30 days before being so employed by ARTC, and
 - (c) have been declared by the rail authority or the chief executive of the rail authority to be surplus to the rail authority's requirements and to be eligible for the benefit of this clause.

Note—

The first lease under Part 8A of the Act between ARTC and a rail authority commenced on 5 September 2004.

- (2) Despite subclauses (3)–(5), a member of staff who elected to cash out his or her leave entitlements under clause 10F of the former Regulation does not retain any rights to any such leave entitlements. However, previous service is to be taken into account for the purposes of an entitlement to long service leave in respect of future service.
- (3) Continuous service of a member of staff with one or more rail authorities is taken, for all purposes, as service with ARTC.
- (4) In particular, without limiting the operation of subclause (3), a member of staff retains any leave entitlements accrued in previous employment with one or more rail authorities.
- (5) A person's entitlement to any such leave is to be calculated:
 - (a) for the part of any period during which that leave accrued or was accruing before

employment with ARTC commenced—at the rate of accrual for the time being applicable to the person before that day, and

(b) for the part of the period that occurred after that commencement—at the rate of accrual for the time being applicable to the person after that day.

(6) In this clause:

leave entitlements means entitlements to annual leave, extended leave, long service leave, sick leave and public holidays.

28 Applications for positions with rail authorities by former rail authority staff

- (1) This clause applies to the filling of any vacant position in a rail authority if the applicants eligible to apply for the vacancy are limited to the staff of the rail authority or rail authorities.
- (2) Any former member of staff of a rail authority to whom clause 27 applies is eligible to apply for a vacancy to which this clause applies as if the person were a member of staff of the rail authority that has the vacancy.
- (3) Any former member of staff who applies for a vacant position to which this clause applies has the same rights of appeal against the filling of the position as the person would have if the person were a member of the rail authority that has the vacancy.
- (4) This clause does not apply to a person who is no longer employed by ARTC or if, at the time the vacancy is first advertised, a period of 3 years or more has elapsed since the person was first employed by ARTC.

29 ARTC staff who become employees of rail authorities

- (1) This clause applies to a member of staff of ARTC to whom clause 27 applies who:
 - (a) resigns as a member of staff of ARTC, and
 - (b) becomes a member of staff of a rail authority (**the new employer**) not more than 30 days after ceasing to be a member of staff of ARTC.
- (2) Continuous service of a member of staff with one or more rail authorities or ARTC is taken, for all purposes, as service with the new employer.
- (3) In particular, without limiting the operation of subclause (2), a member of staff retains any rights to annual leave, extended leave or long service leave and sick leave accrued in previous employment with one or more rail authorities and ARTC.
- (4) A person's entitlement to any such leave is to be calculated:
 - (a) for the part of any period during which that leave accrued or was accruing before employment with the new employer commenced—at the rate of accrual for the

time being applicable to the person before that day, and

(b) for the part of the period that occurred after that commencement—at the rate of accrual for the time being applicable to the person after that day.

(5) This clause does not apply to a person if, at the time the relevant vacancy is first advertised or the person commences employment with the new employer (whichever occurs first), a period of 3 years or more has elapsed since the person was first employed by ARTC.

Part 5 Penalty notices

30 Penalty notice offences

For the purposes of section 117 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is declared to be a penalty notice offence, and
- (b) the prescribed penalty for such an offence is the amount specified in Column 2 of Schedule 1.

31 Authorised officers: section 117

A traffic control officer (other than a police officer) is declared to be an authorised officer for the purposes of section 117 of the Act.

32 Removing or damaging a penalty notice

A person must not, without reasonable excuse, remove or deface, destroy or otherwise damage any notice left on or attached to a motor vehicle under section 117 (3) (b) of the Act.

Maximum penalty: 2 penalty units.

Part 6 Miscellaneous

33 Obstructing an officer

A person must not obstruct or hinder a traffic control officer in the exercise of any power conferred by this Regulation.

Maximum penalty: 4 penalty units.

34 (Repealed)

35 Additional classes of persons to whom RTA may delegate functions: section 50

(1) The following classes of persons are prescribed for the purposes of section 50 of the Act:

- (a) chairpersons of regional traffic committees,
- (b) councils, councillors of councils and the staff of councils,
- (c) declared authorities and the members and staff of those authorities,
- (d) persons employed in the Public Service of New South Wales under the *Public Sector Employment and Management Act 2002*,
- (e) authorities of the Commonwealth, the members and staff of those authorities and the staff of Departments of the Commonwealth,
- (f) persons with whom the RTA has entered into an ANVIS agreement.

(2) In this clause:

ANVIS agreement means an agreement known as an Authorised New Vehicle Inspection Scheme agreement made between a person and the RTA under which the person is authorised to perform functions relating to the registration of vehicles on behalf of the RTA.

council has the same meaning as it has in the *Local Government Act 1993*, and includes an administrator for a council appointed under that Act.

councillor has the same meaning as it has in the *Local Government Act 1993*.

declared authority means a declared authority to which Part 6.4 of the *Public Sector Employment and Management Act 2002* applies.

regional traffic committee means a committee established by the RTA to provide advice on traffic and associated matters.

36 Transfer of assets, rights and liabilities associated with Office of Co-ordinator General of Rail

(1) For the purposes of the definition of **rail authority** in section 94 (6) of the Act, the Crown, in respect of any of its assets, rights or liabilities under any contract or other arrangement entered into on its behalf by the Office of Co-ordinator General of Rail, is a rail authority.

(2) In this clause:

Crown includes the New South Wales Government.

36A Declaration of route of light rail system

(1) For the purposes of section 104N of the Act, the route described in subclause (2) is declared to be the route of a light rail system.

(2) The route along the former Rozelle freight rail corridor (part of the Wardell Road to

Glebe Island line) from Balmain Road, Lilyfield, to Bedford Crescent, Dulwich Hill, including the west fork of that rail corridor at Dulwich Hill to Ness Avenue Bridge and passing underneath:

- (a) the City West link, and
- (b) the main western railway line at Lewisham,

as shown edged heavy black on the map marked "*Light Rail Extension 2012*" and deposited in the head office of Transport for NSW.

- (3) The Director-General is to publish a copy of that map in the Gazette at the same time as, or as soon as practicable after, the commencement of this clause.
- (4) The route of the light rail system includes the following:
 - (a) the stratum above and below the surface area of ground as shown on that map,
 - (b) the area of any bridge, viaduct or other support over which the route passes,
 - (c) any light rail structure in a tunnel through which the route passes.

37 Exemption of light rail sub-lease from certain duties

For the purposes of section 104T of the Act, the sub-lease between the Transport Administration Corporation as sub-lessor and the Pyrmont Light Rail Company Pty Limited as sub-lessee registered at the Land Titles Office with the number 3589935 and commencing on 11 August 1997 and terminating on 10 February 2028 is exempt from liability for the payment of duty under the [Duties Act 1997](#).

38 Transport districts: section 108

For the purposes of section 108 of the Act, the boundaries of the transport districts are as follows:

- (a) the boundaries of the Metropolitan transport district are the boundaries of the area comprising the County of Cumberland (excluding any area within the City of Wollongong) and the Parish of Cowan in the County of Northumberland,
- (b) the boundaries of the Newcastle transport district are the boundaries of the area comprising the City of Newcastle, the Parishes of Teralba and Kahibah, that part of the Parish of Wallarah in the City of Lake Macquarie and the area of Kooragang Island,
- (c) the boundaries of the Wollongong transport district are the boundaries of the area comprising the whole of the City of Wollongong.

39 Construction of references to SRA in certain environmental planning instruments

- (1) (Repealed)

(2) The references in:

- (a) clause 34A (2) of *Sydney Regional Environmental Plan No 5—(Chatswood Town Centre)*, and
- (b) Part 2 of the Table to clause 15, clause 20A and clause 52 of *Sydney Regional Environmental Plan No 26—City West*,

to the State Rail Authority are taken to include references to RailCorp.

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).

41 Savings

- (1) The person appointed under clause 19D of the former Regulation as the Manager of Western Sydney Buses and holding office as such on the commencement of this clause is taken to have been appointed under clause 13 of this Regulation.
- (2) Any act, matter or thing that, immediately before the repeal of the former Regulation, had effect under that Regulation is taken to have effect under this Regulation.

Note—

Among other things, the former Regulation declared several light rail routes for the purposes of section 104N (2) of the Act. The repeal of that Regulation does not affect those declarations.

Schedule 1 Penalty notice offences

(Clause 30)

Part 1 Offences under the **Transport Administration Act 1988** and this Regulation

Column 1 Provision	Column 2 Penalty
Section 116 of the Act and clause 6 (1) (a) of the Regulation	\$70
Section 116 of the Act and clause 6 (1) (b) of the Regulation	\$70
Section 116 of the Act and clause 7 (1) of the Regulation	\$70

Part 2 Offences under this Regulation

Column 1 Provision	Column 2 Penalty
Clause 5 (1) (a)	\$50
Clause 5 (1) (b)	\$50
Clause 5 (3)	\$50
Clause 6 (1) (a)	\$70
Clause 6 (1) (b)	\$70
Clause 7 (1)	\$70
Clause 32	\$50
Clause 33	\$100