

# TRANSPORT AUTHORITIES BILL, 1980

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## EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill:—

- Transport Appeal Boards Bill, 1980;
- Government Railways (Amendment) Bill, 1980;
- Transport (Amendment) Bill, 1980;
- Statutory and Other Offices Remuneration (Transport Authorities) Amendment Bill, 1980;
- Audit (Transport Authorities) Amendment Bill, 1980;
- Capital Debt Charges (Transport Authorities) Amendment Bill, 1980.

The objects of this Bill are—

- (a) to constitute 2 new Authorities, namely the State Rail Authority of New South Wales and the Urban Transit Authority of New South Wales, in connection with the State's transport system;
- (b) to create a Railway Workshops Board which is to exercise functions in connection with railway workshops under delegation from the State Rail Authority;
- (c) to dissolve the Public Transport Commission;
- (d) to confer on the State Rail Authority the responsibility of running the State's rail system;
- (e) to confer on the Urban Transit Authority the responsibility of running the State's omnibus and ferry services within the urban areas and also to give it a role of co-ordinating and rationalising all forms of transport within the urban districts, whether publicly or privately owned; and
- (f) to repeal the Public Transport Commission Act, 1972, and the Sydney Harbour Transport Act, 1951.

The Bill contains the following provisions:—

### PART I.—Preliminary.

Clause 1. Short title.

Clause 2 provides that the proposed Act commences on 1st July, 1980, except for some provisions which commence on the date of assent.

Clause 3. Arrangement.

Clause 4. Interpretation. One of the definitions is that of "urban passenger services" which is defined to mean omnibus and ferry services run by the Urban Transit Authority, rail services within prescribed parts of the State rail system and services provided by privately owned transport operations. This definition is relevant in connection with the Urban Transit Authority's functions.

*PART II.—Constitution and functions of the State Rail Authority.*

Clauses 5 to 10 provide for the constitution of the State Rail Authority.

Clause 5 provides that the Authority is to consist of 4 ex officio members and 3 appointed members. The ex officio members are the Chief Executive and 2 Deputy Chief Executives of the Authority and the Managing Director of the Urban Transit Authority. The appointed members consist of the part-time chairman, a member elected by officers and employees of the State Rail Authority and the Urban Transit Authority and a nominee of the Labor Council of New South Wales. Further details respecting the constitution and procedures of the State Rail Authority are set out in Schedule 1.

Clause 6 provides for the filling of vacancies in the office of appointed members of the Authority.

Clause 7 permits an officer of the Authority to hold office as an elected member of the Authority.

Clause 8 sets the quorum for meetings of the Authority.

Clause 9 provides for who is to preside at meetings of the Authority.

Clause 10 relates to the common seal of the Authority.

Clauses 11 to 16 relate to the functions of the Authority.

Clause 11 sets out the Authority's functions in general terms and provides that it is to be subject to the control and direction of the Minister.

Clause 12 confers on the Authority the functions previously exercisable by the Public Transport Commission except those respecting omnibuses and ferries.

Clause 13 enables the Authority to carry out research and planning.

Clause 14 enables the Authority to enter into contracts of all relevant types.

Clause 15 enables the Authority to delegate any of its functions to a member or officer of the Authority, the Urban Transit Authority or a member or officer of that Authority or the Railway Workshops Board.

Clause 16 enables the Authority to make use of the facilities and staff of other bodies.

Clause 17 provides for the appointment of a Chief Executive and 2 Deputy Chief Executives of the Authority. One of the Deputy Chief Executives is to be appointed as Deputy Chief Executive (Industrial Relations). Schedule 2 makes further provisions in relation to these officers.

Clause 18 provides that the Chief Executive is to be responsible for the management of the affairs of the Authority and, in addition to any functions delegated to him by the Authority, any other functions of the Authority that are conferred on him by regulation.

Clauses 19 to 26 relate to the constitution and functions of the Railway Workshops Board.

Clause 19 provides that the Board is to consist of 3 ex officio members and 3 appointed members. The ex officio members are to be the Chief Executive of the State Rail Authority, the Deputy Chief Executive (Industrial Relations) of the State Rail Authority and the General Manager, Workshops, of the State Rail Authority. The appointed members consist of a person appointed by the Minister to be a representative of the private sector, a member elected by officers and employees of the State Rail Authority and a nominee of the Labor Council of New South Wales.

Clause 20 provides for the filling of vacancies in the office of the appointed members of the Board.

Clause 21 permits an officer of the Board to hold office as an elected member of the Authority.

Clause 22 sets the quorum for meetings of the Board.

Clause 23 provides for who is to preside at meetings of the Board.

Clause 24 relates to the common seal of the Board.

Clause 25 sets out the Board's functions in general terms and provides that it is to be subject to the control and direction of the State Rail Authority.

Clause 26 states that the Board may exercise functions delegated to it by the State Rail Authority and the Board may only exercise its functions in respect of the workshop establishments referred to in Schedule 3.

### PART III.—*Constitution and functions of the Urban Transit Authority.*

Clauses 27 to 32 provide for the constitution of the Urban Transit Authority.

Clause 27 provides that the Authority is to consist of 4 ex officio members and 6 appointed members. The ex officio members are the Managing Director of the Authority, the Commissioner for Motor Transport, the Deputy Chief Executive (Industrial Relations) of the State Rail Authority and the General Manager, Operations, of the State Rail Authority. The appointed members consist of the part-time chairman, 3 members appointed to represent commuters, omnibus proprietors and taxicab proprietors respectively, a member elected by the officers and employees of the Authority and a nominee of the Labor Council of New South Wales. Further details respecting the constitution and procedure of the Authority are set out in Schedule 1.

Clause 28 provides for the filling of vacancies in the office of the appointed members of the Authority.

Clause 29 permits an officer of the Authority to hold office as an elected member of the Authority.

Clause 30 sets the quorum for meetings of the Authority.

Clause 31 provides for who is to preside at meetings of the Authority.

Clause 32 relates to the common seal of the Authority.

Clauses 33 to 44 relate to the functions of the Authority.

Clause 33 sets out the Authority's functions in general terms and provides that it is to be subject to the control and direction of the Minister.

Clause 34 confers on the Authority the functions previously exercisable by the Public Transport Commission in respect of omnibus services.

Clause 35 enables the Authority to conduct ferry services.

Clause 36 relates to the charges to be paid in connection with the Authority's ferry services.

Clause 37 charges the Authority with the function of promoting efficient, adequate and economic passenger services, in association with the State Rail Authority and the Commissioner for Motor Transport, and in particular to co-ordinate and rationalise urban passenger services. The clause also preserves the general responsibility of the State Rail Authority in the running of rail services, but requires that the Authority consult with the Urban Transit Authority in connection with urban and inter-urban rail services.

Clause 38 enables the Authority to give directions to the Commissioner for Motor Transport in relation to services provided by privately owned omnibuses, taxicabs, private hire cars or ferries. These directions may only be given where they are of a general policy nature involving major issues of principle.

Clause 39 requires the State Rail Authority and the Commissioner for Motor Transport to consult with the Urban Transit Authority before making major changes or initiatives.

Clause 40 enables the Authority to make recommendations.

Clause 41 enables the Authority to carry out research and planning.

Clause 42 enables the Authority to enter into contracts of all relevant types.

Clause 43 enables the Authority to delegate any of its functions to a member or officer of the Authority, the State Rail Authority or a member or officer of that Authority.

Clause 44 enables the Authority to make use of the facilities and staff of other bodies. Clause 44 (3) requires the Urban Transit Authority, if so directed by the Minister, to make use of the facilities and staff of the State Rail Authority.

Clause 45 provides for the appointment of a Managing Director of the Urban Transit Authority. Schedule 2 makes further provisions in relation to the Managing Director.

Clause 46 provides that the Managing Director is to be responsible for the management of the affairs of the Authority and, in addition to any functions delegated to him by the Authority any other functions of the Authority that are conferred on him by regulation.

PART IV.—*Staff.*

Clause 47 enables each Authority to appoint staff and enables regulations to be made with respect to their conditions of employment. Schedules 4 and 5 provide details as to staff leave and compensation entitlements.

Clause 48 makes it the responsibility of the State Rail Authority to recruit the staff of the Urban Transit Authority.

Clause 49 provides a system of ensuring common opportunity for officers of both Authorities to be eligible to apply for, and to be appointed to, a position in the staff establishments of either Authority.

Clause 50 provides for the transfer of officers between the Authorities.

Clause 51 enacts that the State Rail Authority is deemed to be the employer of officers of the Urban Transit Authority in proceedings relating to industrial matters.

Clause 52 enables each Authority to determine its staff establishment, subject to the Public Service Act, 1979.

Clause 53 preserves rights of certain transferred officers.

Clause 54 permits officers to be represented at inquiries and investigations in respect of accidents and irregularities.

Clause 55 limits the power of the Authorities to agree with officers to contract themselves out of the provisions of any Act.

PART V.—*Finance.*

Clauses 56 to 71 provide a financial system different from that pertaining to the Public Transport Commission. The proposed amendments to the Audit Act, 1902, and the Capital Debt Charges Act, 1957, are relevant here.

Clause 56 establishes a State Rail Authority Fund and an Urban Transit Authority Fund in the Special Deposits Account in the Treasury.

Clause 57 provides for payments into the Funds, and clause 58 provides for payments out of the Funds.

Clause 59 requires certain fines and penalties to be paid into relevant Funds.

Clause 60 requires each Authority to keep accounts and records in the form and manner directed by the Minister, and requires the presentation to Parliament of an audited statement of accounts and balance-sheet.

Clause 61 relates to the auditing of accounts and records of the Authorities.

Clause 62 applies the provisions of the Audit Act, 1902, to the Authorities in the same way as they apply to public departments.

Clause 63 provides that the capital of each Authority is to be as determined by a committee of review.

Clause 64 provides for the constitution and functions of a committee of review which has the responsibility of determining variations in the capital of each Authority.

Clause 65 appropriates the Consolidated Revenue Fund to the extent to meet each Authority's liabilities in respect of loan and other financial accommodation.

Clause 66 provides for the payment into the Funds of amounts to be appropriated by Parliament by way of revenue supplements to enable or assist each Authority to carry out its functions.

Clause 67 makes it the duty of each Authority to operate efficiently and economically and to furnish certain information to the Treasurer.

Clause 68 provides that capital debt charges are not payable to the Treasurer on behalf of the State in respect of the loan liability or capital of the Authorities, but that each Authority is to pay to the Treasurer out of any surplus for a financial year such amount as the Minister determines.

Clauses 69 and 70 provide for the obtaining of loans and financial accommodation by the Authorities.

Clause 71 provides that the fares and other charges to be demanded by the Authorities shall be as determined annually by the Authorities with the concurrence of the Minister. An Authority in fixing the fares and other charges is to take into account movements in wages and pricing indexes and its pricing policies and structures.

#### PART VI.—*Miscellaneous.*

Clause 72 provides that nothing in the proposed Act affects the functions of the State Rail Authority or the Commissioner for Motor Transport conferred by any other Act, but that the proposed Act prevails to the extent of any inconsistency.

Clauses 73 and 74 substantially re-enact sections 21A and 21B of the Public Transport Commission Act, 1972, in respect of damage to property and the parking of vehicles.

Clause 75 provides a system of infringement notices in connection with parking offences.

Clause 76 provides for the resolution of disputes between the Authority and any other public body or person.

Clause 77 re-enacts the provisions of section 107A of the Government Railways Act, 1912, and section 128A of the Transport Act, 1930, relating to judgments against officers of or contractors to the Authorities.

Clause 78 provides that the Public Service Act, 1979, does not apply to the appointment of persons under the proposed Act.

Clause 79 provides that in legal proceedings no proof is required of certain formal matters.

Clause 80 relates to the authentication of documents by a corporation constituted by the proposed Act.

Clause 81 enables the recovery of money due to an Authority.

Clause 82 enables the corporations to be referred to in any instrument in a shortened form.

Clause 83. Annual reports.

Clause 84 provides for proceedings for offences to be taken before a court of petty sessions.

Clause 85. Regulations.

Clause 86 repeals the enactments listed in Schedule 7.

Clause 87 gives effect to Schedule 8 relating to savings, transitional and other provisions.

Schedule 1 contains miscellaneous provisions relating to the constitution and procedure of corporations constituted by the proposed Act.

Schedule 2 contains miscellaneous provisions relating to the appointment and holding of office by the Chief Executive or a Deputy Chief Executive of the State Rail Authority or the Managing Director of the Urban Transit Authority.

Schedule 3 lists the railway workshops in connection with which the Railway Workshops Board is to exercise its functions.

Schedule 4 sets out the entitlements of staff of the Authorities to extended and certain other leave.

Schedule 5 re-enacts the provisions of sections 100B–100E of the Government Railways Act, 1912, and sections 124–124C of the Transport Act, 1930, in relation to the entitlements of staff of the Authorities to compensation in the event of injury.

Schedule 6 contains detailed provisions relating to loans entered into by the Authorities.

Schedule 7 lists the enactments to be repealed, namely the Public Transport Commission Act, 1972, and the Sydney Harbour Transport Act, 1951, as respectively amended.

Schedule 8 contains savings, transitional and other provisions.

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1917  
The following is a list of the names of the persons who were members of the  
Board of Directors of the [Company Name] during the year 1917.  
The names are listed in alphabetical order.  
[List of names follows]

The following is a list of the names of the persons who were members of the  
Board of Directors of the [Company Name] during the year 1918.  
The names are listed in alphabetical order.  
[List of names follows]

The following is a list of the names of the persons who were members of the  
Board of Directors of the [Company Name] during the year 1919.  
The names are listed in alphabetical order.  
[List of names follows]



# TRANSPORT AUTHORITIES BILL, 1980

No. . . . , 1980.

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## A BILL FOR

An Act to constitute the State Rail Authority of New South Wales, the Urban Transit Authority of New South Wales and the Railway Workshops Board of New South Wales and to make provision in relation to their respective functions; to dissolve the Public Transport Commission of New South Wales; to

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See also Transport Appeal Boards Bill, 1980; Government Railways (Amendment) Bill, 1980; Transport (Amendment) Bill, 1980; Statutory and Other Offices Remuneration (Transport Authorities) Amendment Bill, 1980; Audit (Transport Authorities) Amendment Bill, 1980; Capital Debt Charges (Transport Authorities) Amendment Bill, 1980.

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repeal the Public Transport Commission Act, 1972, the Sydney Harbour Transport Act, 1951, and certain other enactments; and for other purposes.

[MR COX—20 March, 1980.]

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5 **BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

**PART I.**

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**PRELIMINARY.**

1. This Act may be cited as the "Transport Authorities Act, Short title. 1980".

2. (1) This section and sections 1 and 87 and Schedule 8 shall commence on the date of assent to this Act. Commence-  
ment.

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(2) Except as provided by subsection (1), this Act shall commence on 1st July, 1980.

3. This Act is divided as follows :—

Arrange-  
ment.

PART I.—PRELIMINARY—ss. 1–4.

PART II.—CONSTITUTION AND FUNCTIONS OF THE STATE  
RAIL AUTHORITY—ss. 5–26.

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DIVISION 1.—*Constitution of the State Rail Authority*—  
ss. 5–10.

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DIVISION 2.—*Functions of the State Rail Authority*—ss. 11–16.

DIVISION 3.—*Chief Executive and Deputies*—ss. 17, 18.

DIVISION 4.—*The Railway Workshops Board*—ss. 19–26.

5 PART III.—CONSTITUTION AND FUNCTIONS OF THE URBAN TRANSIT AUTHORITY—ss. 27–46.

DIVISION 1.—*Constitution of the Urban Transit Authority*—ss. 27–32.

10 DIVISION 2.—*Functions of the Urban Transit Authority*—ss. 33–44.

DIVISION 3.—*Managing Director*—ss. 45, 46.

PART IV.—STAFF—ss. 47–55.

PART V.—FINANCE—ss. 56–71.

PART VI.—MISCELLANEOUS—ss. 72–87.

15 SCHEDULE 1.—CONSTITUTION AND PROCEDURE OF THE CORPORATIONS.

SCHEDULE 2.—THE EXECUTIVE OFFICERS.

SCHEDULE 3.—RAILWAY WORKSHOPS.

SCHEDULE 4.—STAFF LEAVE ENTITLEMENTS.

20 SCHEDULE 5.—STAFF COMPENSATION ENTITLEMENTS.

SCHEDULE 6.—LOANS.

SCHEDULE 7.—REPEALS.

SCHEDULE 8.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

25 4. (1) In this Act, except in so far as the context or Interpretation. subject-matter otherwise indicates or requires—

“appointed day” means 1st July, 1980;

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“Authority” means the State Rail Authority or the Urban Transit Authority;

“Corporation” means the State Rail Authority, the Urban Transit Authority or the Railway Workshops Board;

5 “functions” includes powers, authorities and duties;

“Fund” means the State Rail Authority Fund or the Urban Transit Authority Fund established under Part V;

10 “officer”, in relation to an Authority, the Department of Motor Transport or the Public Transport Commission, includes an employee of the Authority, Department or Commission;

“Public Transport Commission” means the Public Transport Commission of New South Wales constituted under the Public Transport Commission Act, 1972;

15 “Railway Workshops Board” means the Railway Workshops Board of New South Wales constituted by this Act;

“regulation” means a regulation made under this Act;

“State Rail Authority” means the State Rail Authority of New South Wales constituted by this Act;

20 “statutory body” means any body declared under subsection (2) to be a statutory body for the purposes of this Act;

“Transport Appeal Board” means a Transport Appeal Board constituted under the Transport Appeal Boards Act, 1980;

25 “Transport District” means—

(a) the Metropolitan Transport District, the Newcastle and District Transport District or the Wollongong Transport District established by or under the Transport Act, 1930; or

30 (b) any other district established by or under that Act and prescribed for the purposes of this definition as a district to which this definition applies;

“urban passenger services” means—

35 (a) omnibus and ferry services provided for the conveyance of passengers by the Urban Transit Authority;

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- (b) rail and other services provided for the conveyance of passengers within, between or in connection with the prescribed parts of the State rail system;
- 5 (c) services provided for the conveyance of passengers by the running of privately owned omnibuses, taxi-cabs or private hire cars within the Transport Districts, otherwise than in connection with tourist or charter operations;
- 10 and
- (d) ferry services provided for the conveyance of passengers by the running of privately owned ferries in accordance with the State Transport (Co-ordination) Act, 1931, in the Port of Sydney and in such other places as are referred to in proclamations in force under section 3A of that Act and as are prescribed for the purposes of this paragraph;
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20 "Urban Transit Authority" means the Urban Transit Authority of New South Wales constituted by this Act.

(2) The Governor may, by proclamation published in the *Gazette*, declare any body constituted by or under any Act to be a statutory body for the purposes of the definition of "statutory body" in subsection (1).

25 (3) A reference in this Act to the exercise of a function includes, where that function is a duty, the performance of that duty.

(4) A reference in this Act to a Transport District shall, where the boundaries of the District are altered, be read and  
30 construed as a reference to the District with those altered boundaries.

(5) A reference in this Act to the relevant Fund is—

- (a) in relation to the State Rail Authority—a reference to the State Rail Authority Fund; and

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(b) in relation to the Urban Transit Authority—a reference to the Urban Transit Authority Fund.

(6) In a Schedule to this Act, a reference to a subclause is, unless a contrary intention appears, a reference to a subclause 5 of the clause in which the reference occurs.

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PART II.

CONSTITUTION AND FUNCTIONS OF THE STATE RAIL AUTHORITY.

DIVISION 1.—*Constitution of the State Rail Authority.*

5. (1) There is hereby constituted a corporation under the **10** corporate name of the “State Rail Authority of New South Wales”. Constitution of the State Rail Authority.

(2) The State Rail Authority shall consist of 7 members, of whom—

(a) 4 shall be ex officio members; and

(b) 3 shall be appointed members.

**15** (3) The ex officio members are—

(a) the Chief Executive of the State Rail Authority;

(b) the 2 Deputy Chief Executives of the State Rail Authority; and

(c) the Managing Director of the Urban Transit Authority.

**20** (4) The appointed members shall be appointed by the Minister, and of them—

(a) 1 shall be appointed as the Chairman of the State Rail Authority;

**25** (b) 1 shall be a person elected as a member in the manner prescribed by the regulations; and

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(c) 1 shall be appointed from a panel of not less than 3 persons nominated by the Labor Council of New South Wales.

(5) Schedule 1 has effect with respect to the constitution 5 and procedure of the State Rail Authority.

6. On the occurrence of a vacancy in the office of an appointed member of the State Rail Authority, the office shall be filled so that the Authority is constituted in accordance with section 5. Filling of vacancies.

7. (1) A person may be, at the same time, both the elected member of the State Rail Authority and an officer of an Authority. Elected member.

(2) If the elected member of the State Rail Authority is an officer of the Authority, nothing in any law, rule, direction or other requirement that—

15 (a) is applicable to him in his capacity as such an officer; and

(b) would not be so applicable if he were not such an officer, operates so as to prevent or restrict the exercise by him of any of his functions as elected member.

8. (1) The number of members which shall constitute a quorum at any meeting of the State Rail Authority is 4, of whom 2 must be ex officio members. Quorum.

(2) Any duly convened meeting of the State Rail Authority at which a quorum is present is competent to transact any business of the Authority.

25 9. (1) The Chairman of the State Rail Authority shall preside at all meetings of the Authority at which he is present. Presiding member.

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(2) If the Chairman of the State Rail Authority is not present at a meeting of the Authority, the Chief Executive of the Authority shall preside at the meeting if he is present.

(3) If both the Chairman and the Chief Executive of the State Rail Authority are not present at a meeting of the Authority, a member of the Authority elected by the members present from among themselves shall preside at that meeting.

10 **10.** The common seal of the State Rail Authority shall be kept in the custody of the Chief Executive of the Authority and shall only be affixed to any instrument or document in the presence of an officer of the Authority authorised in that behalf by the Authority with an attestation by the signature of that officer of the fact of the affixing of the seal. Common seal.

*DIVISION 2.—Functions of the State Rail Authority.*

15 **11.** The State Rail Authority—

Functions generally.

(a) shall have and may exercise the functions conferred or imposed on it by or under this Act, the Government Railways Act, 1912, or any other Act;

20 (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and

(c) shall, in the exercise of its functions (except in relation to the contents of a report or recommendation made by it to the Minister), be subject to the control and direction of the Minister.

25 **12.** (1) Subject to this Act, the State Rail Authority shall have and may exercise the functions that, immediately before the appointed day, were exercisable by the Public Transport Commission, except to the extent that those functions are by or under this or any other Act conferred or imposed (otherwise than by a  
30 delegation) on the Urban Transport Authority. Exercise of certain functions of Public Transport Commission.



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(2) Subsection (1) does not apply to the ferry services operated by the Public Transport Commission.

13. The State Rail Authority may carry out such research and planning, and may engage such consultants, as appear to it to be necessary or desirable in connection with its functions. <sup>Research and planning.</sup>

14. (1) The State Rail Authority may make and enter into contracts or arrangements with any person for the carrying out of works or the performance of services or the supply of goods or materials in connection with the exercise by the Authority of its functions. <sup>Contracts.</sup>

(2) A contract or arrangement under subsection (1) may provide for—

- (a) the whole or any part of any works to be undertaken by the Authority;
- 15 (b) the whole or any part of the cost of any works to be paid by the Authority;
- (c) a loan to be made by the Authority to meet the whole or any part of the cost of any works; or
- 20 (d) the Authority to pay the whole or any part of the costs of providing any services during a specified period.

(3) A contract under this section shall be deemed for the purposes of the Constitution Act, 1902, to be a contract for or on account of the Public Service of New South Wales.

15. (1) The State Rail Authority may, by resolution, delegate <sup>Delegation.</sup> to—

- (a) a member or officer of the Authority;
- (b) the Urban Transit Authority or a member or officer of the Urban Transit Authority; or

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(c) the Railway Workshops Board,

the exercise of such of the functions (other than this power of delegation) conferred or imposed on the Authority by or under this or any other Act as may be specified in the resolution and may  
5 in like manner revoke wholly or in part any such delegation.

(2) A function, the exercise of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised from time to time in accordance with the terms of the delegation.

10 (3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise of any of the functions delegated, or as to time or circumstances.

(4) Notwithstanding any delegation made under this section, the State Rail Authority may continue to exercise all or  
15 any of the functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered by the State Rail Authority and shall be deemed to have  
20 been done or suffered by the Authority.

(6) An instrument purporting to be signed by or on behalf of a delegate of the State Rail Authority in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the  
25 Authority under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Authority under this section.

(7) The State Rail Authority may not delegate its functions in relation to the discipline of its officers except with the  
30 approval of the Minister.

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16. (1) For the purpose of exercising its functions, the State Rail Authority may, with the approval of the Minister and of the Minister of the Department concerned and on such terms as may be arranged, make use of the facilities, or the services of any of the officers or employees, of any Government Department.

Use of facilities and staff.

(2) The State Rail Authority may for the like purpose, with the approval of the Minister and of any other body constituted by or under an Act and on such terms as may be arranged, make use of the facilities, or the services of any of the officers, servants or employees, of that body.

DIVISION 3.—*Chief Executive and Deputies.*

17. (1) The Governor may appoint a Chief Executive of the State Rail Authority.

Executive officers.

(2) The Governor may appoint 2 Deputy Chief Executives of the State Rail Authority, 1 of whom shall be appointed as Deputy Chief Executive (Industrial Relations).

(3) Schedule 2 has effect with respect to the officers referred to in this section.

18. (1) The Chief Executive of the State Rail Authority—

Functions of executive officers.

20 (a) is subject to the control and direction of the State Rail Authority;

(b) is responsible, as the chief executive of the Authority, for the management of the affairs of the Authority subject to and in accordance with any directions given to him by the Authority;

25 (c) subject to any limitations or restrictions specified in regulations made for the purposes of this paragraph, shall have and may exercise such of the Authority's functions under this or any other Act as may be so specified;

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(d) shall have and may, subject to and in accordance with section 15, exercise any functions delegated to him under that section; and

5 (e) shall have and may exercise such other functions as are conferred or imposed on him by or under this or any other Act.

(2) A Deputy Chief Executive of the State Rail Authority—

10 (a) has, subject to any relevant directions given by the Authority, such responsibilities in connection with the affairs of the Authority as the Chief Executive of the Authority from time to time determines;

15 (b) subject to any limitations or restrictions specified in regulations made for the purposes of this paragraph, shall have and may exercise such of the Authority's functions under this or any other Act as may be so specified;

20 (c) shall have and may, subject to and in accordance with section 15, exercise any functions delegated to him under that section; and

(d) shall have and may exercise such other functions as are conferred or imposed on him by or under this or any other Act.

(3) Nothing in this section limits or restricts the exercise 25 by the State Rail Authority of any of its functions.

DIVISION 4.—*The Railway Workshops Board.*

19. (1) There is hereby constituted a corporation under the corporate name of the "Railway Workshops Board of New South Wales".

Constitu-  
tion of the  
Railway  
Workshops  
Board.

30 (2) The Railway Workshops Board shall consist of 6 members, of whom—

(a) 3 shall be ex officio members; and

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(b) 3 shall be appointed members.

(3) The ex officio members are—

- (a) the Chief Executive of the State Rail Authority, who shall be Chairman of the Railway Workshops Board;
  - 5 (b) the Deputy Chief Executive (Industrial Relations) of the the State Rail Authority; and
  - (c) the General Manager, Workshops, or the holder of such other office in the staff establishment of the State Rail Authority as is for the time being approved by the Minister.
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(4) The appointed members shall be appointed by the Minister, and of them—

- (a) 1 shall be appointed to be a representative of the private sector;
- 15 (b) 1 shall be a person elected as a member in the manner prescribed by the regulations; and
- (c) 1 shall be appointed from a panel of not less than 3 persons nominated by the Labor Council of New South Wales.

20 (5) Schedule 1 has effect with respect to the constitution and procedure of the Railway Workshops Board.

25 **20.** On the occurrence of a vacancy in the office of an appointed member of the Railway Workshops Board, the office shall be filled so that the Board is constituted in accordance with section 19. Filling of vacancies.

**21.** (1) A person may be, at the same time, both the elected member of the Railway Workshops Board and an officer of the State Rail Authority. Elected member.

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(2) If the elected member of the Railway Workshops Board is an officer of the State Rail Authority, nothing in any law, rule, direction or other requirement that—

(a) is applicable to him in his capacity as such an officer;  
and

(b) would not be so applicable if he were not such an officer, operates so as to prevent or restrict the exercise by him of any of his functions as elected member.

22. (1) The number of members which shall constitute a Quorum.  
10 quorum at any meeting of the Railway Workshops Board is 3, of whom 2 must be ex officio members.

(2) Any duly convened meeting of the Railway Workshops Board at which a quorum is present is competent to transact any business of the Board.

15 23. (1) The Chairman of the Railway Workshops Board shall  
preside at all meetings of the Board at which he is present. Presiding  
member.

(2) If the Chairman of the Railway Workshops Board is  
not present at a meeting of the Board, the Deputy Chief Executive  
(Industrial Relations) of the State Rail Authority shall preside at  
20 the meeting if he is present.

(3) If both the Chairman and Deputy Chief Executive  
referred to in subsection (2) are not present at a meeting of the  
Railway Workshops Board, a member of the Board elected by the  
members present from among themselves shall preside at that  
25 meeting.

24. The common seal of the Railway Workshops Board shall  
be kept in the custody of the Chief Executive of the State Rail  
Authority and shall only be affixed to any instrument or document  
in the presence of an officer of the Authority authorised in that  
30 behalf by the Board with an attestation by the signature of that  
officer of the fact of the affixing of the seal. Common  
seal.

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*Transport Authorities.*

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**25.** (1) The Railway Workshops Board—

Functions generally.

- (a) shall have and may exercise the functions conferred or imposed on it by or under this or any other Act;
- 5 (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and
- (c) shall, in the exercise of its functions (except in relation to the contents of a report or recommendation made by it to the State Rail Authority), be subject to the control and direction of the State Rail Authority.

10 (2) The Railway Workshops Board may not purchase, take on lease or acquire any property except with the approval of the State Rail Authority.

**26.** (1) Without affecting the generality of any other provision of this Act, the Railway Workshops Board shall have and may  
15 exercise any function delegated to it by the State Rail Authority under this Act.

Functions pursuant to delegation or regulations.

(2) The Railway Workshops Board may only exercise the functions referred to in subsection (1) in or in connection with the establishments referred to in Schedule 3.

20 (3) The Governor may, by regulation, amend Schedule 3 or omit that Schedule and insert a new Schedule 3.

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*Transport Authorities.*

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PART III.

CONSTITUTION AND FUNCTIONS OF THE URBAN TRANSIT  
AUTHORITY.

DIVISION 1.—*Constitution of the Urban Transit Authority.*

5 27. (1) There is hereby constituted a corporation under the  
corporate name of the “Urban Transit Authority of New South  
Wales”. Constitu-  
tion of  
the Urban  
Transit  
Authority.

(2) The Urban Transit Authority shall consist of 10  
members, of whom—

- 10 (a) 4 shall be ex officio members; and  
(b) 6 shall be appointed members.

(3) The ex officio members are—

- (a) the Managing Director of the Urban Transit Authority;  
(b) the Commissioner for Motor Transport;  
15 (c) the Deputy Chief Executive (Industrial Relations) of the  
State Rail Authority; and  
(d) the General Manager, Operations, of the State Rail  
20 Authority or the holder of such other office in the staff  
establishment of the Authority as is for the time being  
approved by the Minister.

(4) The appointed members shall be appointed by the  
Minister, and of them—

- (a) 1 shall be appointed as the Chairman of the Urban  
Transit Authority;  
25 (b) 1 shall be appointed to be a representative of commuters;  
(c) 1 shall be appointed to be a representative of omnibus  
proprietors;  
(d) 1 shall be appointed to be a representative of taxi-cab  
proprietors;



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*Transport Authorities.*

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(e) 1 shall be a person elected as a member in the manner prescribed by the regulations; and

5 (f) 1 shall be appointed from a panel of not less than 3 persons nominated by the Labor Council of New South Wales.

(5) Schedule 1 has effect with respect to the constitution and procedure of the Urban Transit Authority.

**28.** On the occurrence of a vacancy in the office of an appointed member of the Urban Transit Authority, the office shall Filling of vacancies.  
**10** be filled so that the Authority is constituted in accordance with section 27.

**29.** (1) A person may be, at the same time, both the elected Elected member.  
member and an officer of the Urban Transit Authority.

(2) If the elected member of the Urban Transit Authority  
**15** is an officer of the Authority, nothing in any law, rule, direction or other requirement that—

(a) is applicable to him in his capacity as such an officer; and

(b) would not be so applicable if he were not such an officer,  
**20** operates so as to prevent or restrict the exercise by him of any of his functions as elected member.

**30.** (1) The number of members which shall constitute a Quorum.  
quorum at any meeting of the Urban Transit Authority is 5, of whom 2 must be ex officio members.

**25** (2) Any duly convened meeting of the Urban Transit Authority at which a quorum is present is competent to transact any business of the Authority.

*Transport Authorities.*

31. (1) The Chairman of the Urban Transit Authority shall **Presiding member.**  
preside at all meetings of the Authority at which he is present.

(2) If the Chairman of the Urban Transit Authority is not present at a meeting of the Authority, the Managing Director  
5 of the Authority shall preside at the meeting if he is present.

(3) If both the Chairman and the Managing Director of the State Rail Authority are not present at a meeting of the Authority, a member of the Authority elected by the members present from among themselves shall preside at that meeting.

10 32. The common seal of the Urban Transit Authority shall be **Common seal.**  
kept in the custody of the Managing Director of the Authority and shall only be affixed to any instrument or document in the presence of an officer of the Authority authorised in that behalf by the Authority with an attestation by the signature of that officer of the  
15 fact of the affixing of the seal.

*DIVISION 2.—Functions of the Urban Transit Authority.*

33. (1) The Urban Transit Authority— **Functions generally.**

(a) shall have and may exercise the functions conferred or imposed on it by or under this Act, the Transport Act, 1930, or any other Act;  
20

(b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and

(c) shall, in the exercise of its functions (except in relation to the contents of a report or recommendation made by it to the Minister), be subject to the control and direction of the Minister.  
25

(2) The Urban Transit Authority shall have and may exercise such functions exercisable by the Public Transport Commission (in addition to those provided for by this Division)  
30 immediately before the appointed day as are prescribed for the purposes of this subsection.

(3) Nothing in this Act affects the operation of section 6A of the Transport Act, 1930.

*Transport Authorities.*

34. (1) The Urban Transit Authority shall have and may exercise such of the functions as, immediately before the appointed day, were exercisable by the Public Transport Commission in respect of omnibus services pursuant to the Transport Act, 1930.

5 (2) The Urban Transit Authority shall have and may exercise the functions referred to in subsection (1) in and in connection with the Transport Districts.

35. (1) The Urban Transit Authority shall, subject to this Act, take all such steps as it may deem necessary to provide for the continued operation of the ferry services which, immediately before the appointed day, were carried on by the Public Transport Commission.

(2) The Urban Transit Authority may, from time to time—  
15 (a) establish any new ferry service; or

(b) operate, extend, alter or discontinue any of the ferry services referred to in subsection (1) or in paragraph (a).

(3) Without limiting any other functions conferred or imposed on it, the Urban Transit Authority may—  
20

(a) conduct any business arising out of or ancillary to the conduct and operation of the ferry services and construct any works or property, real or personal, and maintain and operate them for the purpose of conducting any such business;  
25

(b) acquire any land or interest in land and erect or adapt any buildings or installations thereon which may be necessary or convenient for or in connection with the conduct or operation of any of the ferry services or any such business;  
30

Omnibus services.

Ferry services.  
cf. 1951 No. 11, s. 6 (1) (4A).

cf. 1951 No. 11, s. 6 (5) (a) (a1) (b).

cf. 1951 No. 11, ss. 6 (5) (c)-(e), 7 (1A).

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5 (c) acquire either absolutely or on lease any vessels, wharves, plant, machinery or equipment which may be necessary or convenient for or in connection with the conduct or operation of any of the ferry services or of any such business and dispose of them when, in the Authority's opinion, they are no longer required for those purposes;

10 (d) enter into an arrangement with any person for the management and operation by that person, upon such terms as may be agreed upon, of any of the Authority's ferry services; and

(e) make and enter (under section 42) into contracts or arrangements with any person for or with respect to—

(i) the use of; or

15 (ii) the supply or performance by the Authority of any work or service involving,

any vessel, wharf, dock, plant, machinery or equipment vested in or operated by the Authority in connection with its ferry services.

20 **36.** (1) The Urban Transit Authority may carry and convey by its ferry services all such passengers as are offered for that purpose, and may demand reasonable charges in respect of and in connection with its ferry services.

Ferry charges. cf. 1930 No. 18, s. 60.

(2) All such charges shall be those from time to time determined by relevant orders in force under section 71.

25 (3) The charges shall be paid to such persons and at such places upon or near to the ferry service and in such manner as the Urban Transit Authority appoints or as may be prescribed.

30 **37.** (1) The Urban Transit Authority shall, in association (where relevant) with the State Rail Authority and the Commissioner for Motor Transport, take all such steps (by the exercise of its functions conferred or imposed apart from this section) as are, within the available financial resources, necessary to promote the provision of efficient, adequate and economic urban passenger services.

Functions respecting urban passenger services.

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*Transport Authorities.*

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(2) Without affecting the generality of subsection (1), the functions of the Urban Transit Authority include, in relation to urban passenger services, the taking of all necessary steps (by the exercise of its functions conferred or imposed apart from this section) to promote—

- (a) the proper running of, and improvements in, urban passenger services;
- 10 (b) the co-ordination of urban passenger services and the mitigation of wasteful competition and overlapping in service;
- (c) in the interests of more efficient and more economical urban passenger services—
  - 15 (i) the substitution of one form of transport for another, whether on a permanent, temporary, regular or intermittent basis; and
  - (ii) major route variations, including the introduction of new routes and the abolition of existing routes; and
- 20 (d) proper fare structures for urban passenger services, including (where appropriate) systems for zone fares and one-ticket systems.

(3) Nothing in this section derogates from the responsibilities of the State Rail Authority in connection with the provision of rail services within the State, but the State Rail  
25 Authority shall, on a regular basis, consult with the Urban Transit Authority in connection with the provision and operation of rail services within or between the parts of the State rail system referred to in paragraph (b) of the definition of “urban passenger services” in section 4 (1).

*Transport Authorities.*

**38.** (1) So far as the functions of the Urban Transit Authority relate to services provided by the running of privately owned omnibuses, taxi-cabs, private hire cars or ferries, the Urban Transit Authority—

Directions  
to  
Commis-  
sioner for  
Motor  
Transport.

- 5 (a) shall be concerned only with matters that are of a general policy nature involving major issues of principle; and
- (b) may exercise those functions by giving directions to the Commissioner for Motor Transport as to the exercise by him of the functions conferred or imposed on him by or under any Act.
- 10

(2) The Urban Transit Authority may only give directions under this section that are of a general policy nature involving major issues of principle.

15 (3) The Commissioner for Motor Transport shall, as far as practicable, comply with any direction given to him under this section by the exercise of his functions in accordance with law.

(4) Subsection (3) applies to a function the subject of a direction under this section, notwithstanding—

- 20 (a) that the exercise of the function would otherwise depend on the opinion, belief or state of mind of the Commissioner for Motor Transport or any other person (in which case the opinion, belief or state of mind of the Urban Transit Authority shall be deemed to be, and in substitution for, that of the Commissioner or other person); or
- 25 (b) that the Commissioner for Motor Transport would otherwise be required to take into account certain matters (whether exclusively or otherwise).

30 (5) If the Commissioner for Motor Transport is unable for any reason to comply with any direction given to him under this section, he shall (except as approved by the Minister) notify the Minister of the non-compliance and the reasons therefor.

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*Transport Authorities.*

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(6) The Urban Transit Authority shall indemnify the Commissioner for Motor Transport in respect of any claim arising out of anything done or omitted by him at the direction of the Authority pursuant to this section.

5 **39.** (1) The State Rail Authority and the Commissioner for Motor Transport shall, as far as practicable, consult with the Urban Transit Authority before making any changes, or initiating any action, affecting urban passenger services. **Consultation.**

(2) Subsection (1) applies only to changes or action **10** involving major issues of principle.

**40.** The Urban Transit Authority may make recommendations to the Minister or any other person or body as to any matter connected with the functions of the Urban Transit Authority. **Recommendations.**

**41.** The Urban Transit Authority may carry out such research **15** and planning, and may engage such consultants, as appear to it to be necessary or desirable in connection with its functions. **Research and planning.**

**42.** (1) The Urban Transit Authority may make and enter into contracts or arrangements with any person for the carrying out of works or the performance of services or the supply of goods or **20** materials in connection with the exercise by the Authority of its functions. **Contracts.**

(2) Without affecting the generality of subsection (1), the Urban Transit Authority may make and enter into contracts or arrangements with persons conducting urban passenger services, **25** for the purpose of providing or ensuring the provision of any such services.

(3) A contract or arrangement under this section may provide for—

- 30**
- (a) the whole or any part of any works to be undertaken by the Authority;
  - (b) the whole or any part of the cost of any works to be paid by the Authority;

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*Transport Authorities.*

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- (c) a loan to be made by the Authority to meet the whole or any part of the cost of any works; or
- (d) the Authority to pay the whole or any part of the costs of providing any services during a specified period.

5 (4) A contract under this section shall be deemed for the purposes of the Constitution Act, 1902, to be a contract for or on account of the Public Service of New South Wales.

43. (1) The Urban Transit Authority may, by resolution, delegate to— **Delegation.**

- 10 (a) a member or officer of the Authority; or
- (b) the State Rail Authority or a member or officer of the State Rail Authority,

the exercise of such of the functions (other than this power of delegation) conferred or imposed on the Authority by or under this  
15 or any other Act as may be specified in the resolution and may in like manner revoke wholly or in part of any such delegation.

(2) A function, the exercise of which has been delegated under this section, may, while the delegation remains unrevoked, be  
20 exercised from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise of any of the functions delegated, or as to time or circumstances.

(4) Notwithstanding any delegation made under this  
25 section, the Urban Transit Authority may continue to exercise all or any of the functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done  
30 or suffered by the Urban Transit Authority and shall be deemed to have been done or suffered by the Authority.



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(6) An instrument purporting to be signed by or on behalf of a delegate of the Urban Transit Authority in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument  
5 executed by the Authority under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Authority under this section.

(7) The Urban Transit Authority may not delegate its functions in relation to the discipline of its officers except with  
10 the approval of the Minister.

**44.** (1) For the purpose of exercising its functions, the Urban Transit Authority, with the approval of the Minister and of  
the Minister of the Department concerned and on such terms as may be arranged, make use of the facilities, or the services of any  
15 of the officers or employees, of any Government Department. Use of facilities and staff.

(2) The Urban Transit Authority may for the like purpose, with the approval of the Minister and of any other body constituted by or under an Act and on such terms as may be arranged, make use of the facilities, or the services of any of the  
20 officers, servants or employees, of that body.

(3) As and when the Minister so directs, the Urban Transit Authority shall for the like purpose, on such terms as may be arranged, make use of the facilities, or the services of any of the officers, of the State Rail Authority.

25

*DIVISION 3.—Managing Director.*

**45.** (1) The Governor may appoint a Managing Director of  
the Urban Transit Authority. Managing Director.

(2) Schedule 2 has effect with respect to the officer referred to in this section.

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**46.** (1) The Managing Director of the Urban Transit Authority— Functions of Managing Director.

(a) is subject to the control and direction of the Urban Transit Authority;

5 (b) is responsible, as the chief executive officer of the Authority, for the management of the affairs of the Authority subject to and in accordance with any directions given to him by the Authority;

10 (c) subject to any limitations or restrictions specified in regulations made for the purposes of this paragraph, shall have and may exercise such of the Authority's functions under this or any other Act as may be so specified;

15 (d) shall have and may, subject to and in accordance with section 43, exercise any functions delegated to him under that section; and

(e) shall have and may exercise such other functions as are conferred or imposed on him by or under this or any other Act.

20 (2) Nothing in this section limits or restricts the exercise by the Urban Transit Authority of any of its functions.

**PART IV.**

**STAFF.**

**47.** (1) Each Authority may, subject to this Part, appoint and employ such officers and employees (referred to in this Act as officers) as are necessary for the exercise of its functions conferred or imposed by or under this or any other Act. Appointment of staff.

(2) Without affecting the generality of section 30 of the Interpretation Act, 1897, an Authority may remove any officer of the Authority. cf. 1912 No. 30, s. 78; 1930 No. 18, s. 105.

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(3) All officers of an Authority shall, subject to this Part, be subject to the sole control and governance of the Authority which may, where their salary or wages or conditions of employment is or are not fixed in accordance with the provisions of any other Act or law, fix the salary or wages payable to those officers and the conditions of their employment.

(4) Regulations may be made under this Act for or with respect to the conditions of employment of officers of the Authorities, including matters relating to the discipline of any such officers.

(5) The regulations made for the purposes of subsection (4)—

- 15 (a) shall have effect subject to any award by which an Authority is bound made by a court of competent jurisdiction and to any industrial agreement to which the Authority is a party;
- (b) shall have effect notwithstanding the provisions of subsection (3);
- 20 (c) may provide for the hearing and determination by a Transport Appeal Board of appeals by officers of an Authority in respect of such matters relating to their employment as may be specified in the regulations, and may provide for the decision of any such Board to be final or to be subject to appeal to the Authority, as  
25 specified in the regulations;
- (d) without affecting the generality of subsection (4), confer on any class of officers of an Authority a right, entitlement or privilege that is enjoyed (whether by virtue of an Act or law or otherwise) by any other class of officers or by any class of officers of the Department of Motor  
30 Transport; and
- (e) provide for any financial adjustments to be made as between the Authorities, or as between an Authority and any other person or body, in respect of any matter

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relating to the conditions of employment of officers of an Authority, including any matter relating to any right, entitlement or privilege of the kind referred to in paragraph (d).

5 (6) The Urban Transit Authority may not fix any salary, wages or conditions of employment under subsection (3) except with the concurrence of the State Rail Authority.

(7) Schedule 4 has effect with respect to staff leave entitlements.

10 (8) Schedule 5 has effect with respect to staff compensation entitlements.

**48.** (1) The recruitment of the staff of the Urban Transit Authority shall be effected by the State Rail Authority in consultation with the Urban Transit Authority.

Recruitment of staff of Urban Transit Authority.

15 (2) Subsection (1) does not apply to such positions or classes of positions in the staff establishment of the Urban Transit Authority as are determined by the Minister for the purposes of this section.

**49.** (1) Without affecting the generality of section 47 (4), regulations may be made under this Act for the purpose of securing common opportunity for officers of both Authorities to be eligible to apply for, and to be appointed or promoted to, positions in the staff establishments of either Authority, as if they were all staff of one employer.

Common opportunity.

25 (2) For the purposes of subsection (1), the regulations may, subject to that subsection but notwithstanding the provisions of any other Act or law, make provision for or with respect to determining the relative seniority of officers of the Authorities.

30 (3) Without affecting the generality of section 85 (3), a regulation referred to in this section need not apply to all officers of the Authorities, and may apply differently as between different classes of officers of the Authorities.

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**50.** Without affecting section 49—

Transfer  
of staff  
between  
Authorities.

- 5 (a) officers of the State Rail Authority may, by agreement between the Authorities, be transferred to the service of the Urban Transit Authority and shall become and be officers of the Urban Transit Authority; and
- (b) officers of the Urban Transit Authority may, by agreement between the Authorities, be transferred to the service of the State Rail Authority and shall become and be officers of the State Rail Authority.

10 **51.** (1) The State Rail Authority shall, for the purposes of any proceedings relating to officers of the Urban Transit Authority, held before a competent tribunal having power to deal with industrial matters, be deemed to be the employer of those officers.

Special  
industrial  
functions  
of State  
Rail  
Authority.

15 (2) In exercising any functions pursuant to subsection (1), the State Rail Authority shall consult with the Urban Transit Authority.

(3) In subsection (1), “industrial matters” has the meaning ascribed to that expression by section 5 (1) of the Industrial Arbitration Act, 1940, subject to the following modifications :—

- 20 (a) the references to “employers” and “their employer” shall be read and construed as references to an Authority;
- (b) the references to “employees” shall be read and construed as references to officers of that Authority;
- 25 (c) the references to “any industry” or “an industry” shall be read and construed as references to the service of that Authority; and
- 30 (d) the references to “industrial unions” and “trade union” shall be read and construed as references to any association or organisation representing any group or class of officers of that Authority.

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52. (1) The staff establishments of the State Rail Authority and the Urban Transit Authority shall be as determined by the respective Authorities.

Staff  
establish-  
ments.

(2) Nothing in this Act affects the operation of Part VI of the Public Service Act, 1979, in relation to the State Rail Authority or the Urban Transit Authority.

53. (1) In this section, "superannuation scheme" means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

Preserva-  
tion of  
rights of  
transferred  
officers.

(2) Subject to subsections (3) and (6), where a person was (immediately before the time he becomes an officer of an Authority, which time is referred to in this section as "the relevant time") an officer of the Public Service, the Public Transport Commission, the other Authority or the Department of Motor Transport, he shall—

(a) retain any rights and privileges accrued or accruing to him as such an officer, including any rights and privileges accrued or accruing by virtue of any provision made by this or any other Act (including any enactment repealed by this Act, the Government Railways (Amendment) Act, 1980, or the Transport (Amendment) Act, 1980, or referred to in section 6A of the Transport Act, 1930) that he retain any rights and privileges accrued or accruing to him;

(b) continue to contribute to any superannuation scheme to which he was a contributor immediately before the relevant time; and

(c) be entitled to receive, and continue to accrue, any deferred, extended, annual, sick or other leave and any payment, pension or gratuity,

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*Transport Authorities.*

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as if from the relevant time he had continued to be an officer of the Public Service, the Public Transport Commission, the other Authority or the Department of Motor Transport, as the case may be, and—

- 5 (d) his service as an officer of the Authority from the relevant time shall be deemed to be service as an officer for the purpose of any law under which those rights or privileges accrued or were accruing, under which he continues so to contribute or by which that entitlement is conferred; and
- 10 (e) he shall be deemed to be an officer, and the Authority shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this subsection.

15 (3) An officer of an Authority who, but for this subsection, would be entitled under subsection (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme shall not be so entitled upon his becoming, while he is such an officer, a contributor to any other superannuation scheme, and the provisions of subsection (2) (e) cease to apply to or in respect of him and the Authority in any case

20 where he becomes a contributor to such another superannuation scheme.

(4) Subsection (3) does not prevent the payment to an

25 officer of an Authority upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer for the purposes of that scheme.

(5) An officer of an Authority is not, in respect of the

30 same period of service, entitled to claim a benefit under this Act and another Act.

(6) Where a condition of employment of an officer of an Authority to whom subsection (2) applies was, immediately before the relevant time, regulated by an award or industrial agreement, that condition shall continue to be so regulated until it is

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varied by an award by which the Authority is bound made by a court of competent jurisdiction, or that condition is regulated by an industrial agreement to which the Authority is a party.

54. In all public inquiries and investigations into the cause of any accident and in all formal departmental inquiries, and all formal inquiries held by an Authority, into the cause of any accident or in respect of any irregularity in regard to which a charge involving punishment has been or may be laid against an officer of an Authority, any officer concerned in the accident or in the irregularity has the right to be represented by the secretary or any other officer of his union or by a person whom he may select to represent his interests at the inquiry or investigation.

Representation of officers. cf. 1912 No. 30, s. 106; 1930 No. 18, s. 127.

55. An Authority does not have power to agree with officers of the Authority to contract themselves out of the provisions of any Act, or to compel them to forgo any civil rights to which any Act entitles them.

No contracting out. cf. 1912 No. 30, s. 104; 1930 No. 18, s. 126.

PART V.

FINANCE.

56. There shall be established in the Special Deposits Account in the Treasury—

Establishment of the Funds.

(a) a State Rail Authority Fund; and

(b) an Urban Transit Authority Fund.

57. (1) There shall be paid into each Fund all money required by or under this or any other Act to be paid into that Fund.

Payments into the Funds.



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(2) Subject to subsection (3)—

5 (a) all money received by or on account of the State Rail Authority (including money received by or on account of the Railway Workshops Board) shall be paid into the State Rail Authority Fund; and

(b) all money received by or on account of the Urban Transit Authority shall be paid into the Urban Transit Authority Fund.

10 (3) Any money required by or under this or any other Act to be paid into a particular Fund shall, if the Minister so directs, be paid into the other Fund.

**58.** (1) All amounts required to meet expenditure incurred in relation to the functions of the Authorities shall be paid from the Funds. Payments from the Funds.

15 (2) Subject to subsection (3)—

(a) all payments made on account of the State Rail Authority (including the Railway Workshops Board) shall be paid from the State Rail Authority Fund; and

20 (b) all payments made on account of the Urban Transit Authority shall be paid from the Urban Transit Authority Fund.

(3) Any payment required by or under this or any other Act to be paid from a particular Fund shall, if the Minister so directs, be paid from the other Fund.

25 (4) Payments from the Funds shall, except as directed by or under this or any other Act, be charged against revenue and capital as nearly as may be in accordance with accounting principles.

**59.** (1) All fines, penalties and forfeitures imposed by—

30 (a) Part VI in relation to property of or land vested in the State Rail Authority; Fines, etc., to be paid into Funds.

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- (b) the regulations in relation to the Authority;
- (c) the Government Railways Act, 1912, or any regulation or by-law under that Act; and
- (d) the Transport Appeal Boards Act, 1980, in relation to appeals by officers of the Authority,

5 and recovered, shall be paid into the State Rail Authority Fund.

(2) All fines, penalties and forfeitures imposed by—

- (a) Part VI in relation to property of or land vested in the Urban Transit Authority;
- 10 (b) the regulations in relation to the Authority;
- (c) the Transport Act, 1930, or any regulation or by-law under that Act in relation to omnibus services provided by the Authority; and
- 15 (d) the Transport Appeal Boards Act, 1980, in relation to appeals by officers of the Authority,

and recovered, shall be paid into the Urban Transit Authority Fund.

60. (1) The State Rail Authority shall cause to be kept proper accounts and records in relation to all of its operations, including the operations of the Railway Workshops Board. Authorities to keep accounts.

(2) The Urban Transit Authority shall cause to be kept proper accounts and records in relation to all of its operations.

(3) The accounts and records of each Authority shall be kept in such form and manner as may be directed by the Minister from time to time.

(4) Each Authority shall, as soon as practicable, but within 6 months, after the end of each financial year of the Authority, prepare and submit to the Minister for presentation to Parliament a statement of accounts and a balance-sheet, together with the Auditor-General's certificate given under this section in relation to the statement and balance-sheet.

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(5) The statement of accounts and balance-sheet of an Authority shall be in a form approved by the Minister and shall exhibit a true and fair view of the financial position and transactions of the Authority.

5 (6) Each Authority shall, as soon as practicable, but within 4 months, after the end of the financial year to which a statement of accounts and balance-sheet relate, transmit the statement to the Auditor-General for verification and certification.

10 (7) The Auditor-General's certificate shall state that he has audited the accounts of the Authority relating to the relevant financial year, and shall indicate whether the statement of accounts and balance-sheet comply with subsection (5), and shall set forth any qualifications subject to which the certificate is given.

15 (8) Nothing in this section prevents the alteration of the statement of accounts or balance-sheet, with the approval of the Auditor-General, after its receipt by him and before its submission to the Minister.

20 (9) The Minister shall lay the statement of accounts and balance-sheet, or cause them to be laid, together with the Auditor-General's certificate, before both Houses of Parliament as soon as practicable after the receipt by him of the statement and balance-sheet.

(10) The financial year of each Authority shall be the year ending on 30th June.

25 **61.** (1) The accounts and records of financial transactions of each Authority, and the records relating to assets of or in the custody of the Authority, shall be inspected and audited by the Auditor-General. Audit.

30 (2) For the purposes of any such inspection and audit, the Auditor-General or a person authorised by him is entitled at all reasonable times to full and free access to the accounts, records, documents and papers of the Authority and may make copies thereof or take extracts therefrom.

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(3) The Auditor-General or a person authorised by him may require a person, being a member or officer of either of the Authorities, to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorised person considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

Penalty : \$200.

(4) The Auditor-General may dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in subsection (1).

(5) The Auditor-General shall report to the Authority and the Minister on the result of any such inspection and audit, and as to such irregularities or other matters as in his judgment call for special notice or as are prescribed.

(6) Towards defraying the costs and expenses of any such inspection and audit, the Authority shall pay to the Consolidated Revenue Fund such amounts, at such times, as the Treasurer decides.

20 **62.** So much of the provisions of the Audit Act, 1902, as applies to accounting officers of public departments shall apply to the members and officers of each Authority who would be accounting officers if the Authority were such a department. Application of Audit Act, 1902.

**63.** (1) For the purposes of this Part, the capital of each Authority at any time is the sum of—

- (a) the net capital value of the assets, debts and liabilities of the Authority as specified under clause 11 of Schedule 8; and
  - (b) the net variation (whether by way of addition or reduction), if any, determined as at that time, by the Committee of Review under section 64.
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(2) The capital of each Authority shall be shown in the balance-sheet referred to in section 60.

**64.** (1) There shall be a Committee of Review for each Authority, and each Committee of Review shall have and may exercise the functions conferred or imposed on it by this section. Committees  
of Review.

(2) The Committee of Review for an Authority shall consist of—

- (a) the Auditor-General or a person appointed by him to act on his behalf for the time being;
- 10 (b) the Under Secretary of the Treasury or a person appointed by him to act on his behalf for the time being; and
- (c) a person appointed by the Authority to represent it for the time being.

15 (3) The Committee of Review for an Authority shall determine, as soon as practicable after the close of each financial year, and at such other times as may be appropriate, the amount by which the capital of the Authority should be varied (whether by way of increase or decrease) as at the end of that financial year,  
20 or as at such other time or times as it thinks fit, having regard to—

- (a) the amount of money appropriated from the General Loan Account and received on account of the Authority during that financial year;
- 25 (b) the amount of money received during that financial year on account of the Authority from the proceeds of loans or other financial accommodation arranged by or on behalf of the Authority;
- (c) any repayments made on account of the Authority during that financial year; and
- 30 (d) such other adjustments as are required to take account of—
  - (i) the writing off of assets by the Authority during that financial year; and
  - 35 (ii) such other matters as appear to the Committee of Review to be relevant.

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(4) A determination under subsection (3) does not have effect until approved by the Governor.

(5) The regulations may make provision for or with respect to the procedure to be followed by a Committee of Review.

5 **65.** There shall be paid each year into the relevant Fund from the Consolidated Revenue Fund such sums as are necessary to meet each Authority's liabilities in respect of loans and other financial accommodation obtained pursuant to this Act, and those sums shall be paid from the Consolidated Revenue Fund without any further  
10 appropriation than this Act. Appropriation of Consolidated Revenue Fund.

**66.** The Treasurer may, out of money provided by Parliament, pay from time to time sums by way of revenue supplements into the relevant Fund to enable or assist each Authority to exercise its functions. Revenue supplements.

15 **67.** It is the duty of each Authority— Financial duties of the Authorities.

(a) in the exercise of its functions, to operate as efficiently and economically as possible and, in particular—

(i) to exercise efficiency and economy in incurring expenditure; and

20 (ii) to manage its financial affairs in such a manner as not to incur commitments involving expenditure from the relevant Fund beyond levels that can be met from the expected resources of the Fund;

25 (b) to take all reasonable steps to ensure that the revenue of the Authority is produced at such a level as to minimise the level of revenue supplements under section 66; and

(c) to submit to the Treasurer, in such manner and at such times as the Treasurer specifies—

30 (i) detailed estimates of its revenue from all sources and its expenditure proposed for any period specified by the Treasurer; and

(ii) such other information relating to the financial affairs of the Authority as the Treasurer requests.

*Transport Authorities.***68.** (1) In this section—

“capital debt charges”, in relation to an Authority’s loan liability or capital, means such amounts for interest, exchange, sinking fund contributions, flotation expenses, discount, loan management and other expenses as relate to that liability or capital;

Capital debt charges.

“loan liability”, in relation to an Authority, means any amount on which interest is payable to the Treasurer in pursuance of any Act.

(2) Capital debt charges are not payable to the Treasurer on behalf of the State in respect of the loan liability or capital of an Authority, but each Authority shall pay to the Treasurer, out of any surplus for a financial year, such amount as the Minister determines.

(3) The loan liability of an Authority to the State, or the capital of an Authority, is repayable to the Treasurer on behalf of the State at such times and in such amounts as the Minister determines.

(4) In the making of a determination under subsection (2) or (3), regard shall be had to any advice that an Authority has furnished to the Minister in relation to the financial affairs of the Authority.

**69.** (1) An Authority may enter into arrangements to borrow money from, or obtain advances from, or obtain other financial accommodation from, an approved person or body, whether in New South Wales or elsewhere, to such extent and secured and arranged in such manner and for such period as may be approved.

Financial accommodation.

(2) The due payment of any amounts payable by an Authority pursuant to any arrangements entered into under this section, and any interest or other charges in relation thereto, is hereby guaranteed by the Government, and any liability arising from the guarantee shall be payable out of money provided by Parliament.

(3) Where the approval of the Governor in relation to any arrangements is expressed to be given under this section, the provisions of section 70 and Schedule 6 do not apply to or in

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respect of the arrangements, but this subsection does not prevent the borrowing of money under section 70 (1) for the discharge or partial discharge of any indebtedness to any person or body referred to in subsection (1).

5 (4) In this section—

“approved” means approved from time to time by the Governor on the recommendation of the Minister and with the concurrence of the Treasurer;

10 “financial accommodation” includes financial accommodation by way of credit arrangements, including arrangements for the deferred payment by an Authority of amounts payable by it under any contract or agreement entered into by it, but not including any arrangements that provide for the payment of instalments where the  
15 extension of credit to the Authority is not involved.

70. (1) An Authority may from time to time, with the approval of the Governor given on the recommendation of the Minister and with the concurrence of the Treasurer, borrow money for— Purposes for which money may be borrowed.

- 20 (a) the purpose of carrying out any of its functions;  
 (b) the renewal of loans;  
 (c) the discharge or partial discharge of any loan or any indebtedness to the Treasurer or to any bank or to any person or body referred to in section 69 (1); or  
 25 (d) any other purpose of this Act.

(2) Schedule 6 has effect with respect to loans.

71. (1) The charges to be demanded by the State Rail Authority in respect of its services or for any other purpose shall be as from time to time determined by order made by the Authority with the concurrence of the Minister. Fares, etc.

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(2) The charges to be demanded by the Urban Transit Authority in respect of its omnibus and ferry services or for any other purpose shall be as from time to time determined by order made by the Authority with the concurrence of the Minister.



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(3) Each Authority shall, at least once in each financial year, submit to the Minister for his concurrence such proposals in respect of adjustments to its charges as appear to it to be necessary to take into account the following factors :—

- 5 (a) movements in appropriate wages and pricing indexes available to the Authority; and
- (b) the Authority's pricing policies and structures, as from time to time approved by the Minister.

(4) In submitting any proposed charges for the  
10 concurrence of the Minister, an Authority shall certify to the Minister that, in fixing the amount of the charges, it has regard to the factors mentioned in subsection (3).

(5) An order under this section may—

- (a) make provision for concessions and rebates; and
- 15 (b) apply generally or be limited in its application by reference to specified exceptions or factors or apply differently according to different factors of a specified kind.

(6) An order under this section shall be published in the  
20 Gazette and shall take effect as on and from the date of publication or a later date specified in the order.

(7) Orders may be made under this section providing for the issue of tickets for use in connection with more than one transport service.

25 (8) Orders may be made by an Authority under this section providing for the acceptance by the Authority of tickets issued by the other Authority or other persons or organisations.

(9) In this section, "charges" includes fares, tolls, commissions and demurrage.

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PART VI.

MISCELLANEOUS.

72. (1) Except to the extent specified in this Act, nothing in this Act affects the functions of the State Rail Authority conferred or imposed by or under any other Act, but in the event of an inconsistency between this Act and any other law as to the nature or exercise of any of its functions, or as to the respective functions of the State Rail Authority and the Urban Transit Authority, this Act shall prevail.

Effect of this Act on certain functions.

10 (2) Except to the extent specified in this Act, nothing in this Act affects the functions of the Commissioner for Motor Transport conferred or imposed by or under any other Act, but in the event of an inconsistency between this Act and any other Act or other law as to the nature or exercise of any of his functions, or as to the respective functions of the Commissioner and the Urban Transit Authority, this Act shall prevail.

73. A person shall not wilfully damage or deface any property vested in or belonging to an Authority.

Damage to Authority's property. cf. 1972 No. 53, s. 21A.

Penalty : \$400 or imprisonment for 6 months.

20 74. (1) In this section—

“owner”, in relation to a vehicle, includes—

Parking of vehicles on land vested in Authority. cf. 1972 No. 53, s. 21B.

25 (a) a person who is the owner or joint owner or part owner of the vehicle and any person, other than the lessor under a hire-purchase agreement relating to the vehicle, who has the use of the vehicle under such an agreement; and

(b) in the case of a vehicle that is a motor vehicle—

30 (i) the person in whose name the vehicle is registered under the regulations made under the Motor Traffic Act, 1909, except where that person has sold or

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otherwise disposed of the vehicle and has complied with the provisions of those regulations applicable to him with respect to that sale or disposal;

- 5 (ii) where the vehicle has affixed to it a trader's plate issued under that Act for use as prescribed by those regulations—the person to whom that trader's plate is on issue; or
- 10 (iii) a person who, pursuant to a regulation under section 3 (1) (q11) or (q12) of the Motor Traffic Act, 1909, is to be treated as being for the purposes of section 18A of that Act, the owner of the
- 15 vehicle;

“parking offence” means the offence committed by a person who contravenes any regulation made under this Act for or with respect to the standing, waiting or parking of vehicles.

20 (2) Where a parking offence occurs, the person who, at the time of the occurrence of the offence, is the owner of the vehicle to which the offence relates is, by virtue of this section, guilty of an offence under the regulation relating to the parking offence in all respects as if he were the actual offender guilty of the

25 parking offence unless—

- (a) in any case where the offence is dealt with under section 75, the owner satisfies the prescribed officer under that section that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used; or
- 30 (b) in any other case, the court is satisfied that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used.

(3) Nothing in this section affects the liability of an actual offender in respect of a parking offence but, where a penalty

35 has been imposed on, or recovered from, any person in relation to any parking offence, no further penalty shall be imposed on or recovered from any other person in relation thereto.

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(4) Notwithstanding anything in subsection (2) or (3), no owner of a vehicle is, by virtue of this section, guilty of an offence if—

5 (a) in any case where the appeal is dealt with under section 75, he—

10 (i) within 21 days after service on him of a notice under section 75 alleging that he has been guilty of the offence, supplies by statutory declaration to the prescribed officer under that section the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or

15 (ii) satisfies that prescribed officer that he did not know and could not with reasonable diligence have ascertained that name and address; or

(b) in any other case, he—

20 (i) within 21 days after service on him of a summons in respect of the offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or

25 (ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained that name and address.

(5) A statutory declaration that relates to more than one parking offence shall be deemed not to be a statutory declaration supplying a name and address for the purposes of subsection (4).

30 (6) Where a statutory declaration supplying the name and address of a person for the purpose of subsection (4) is produced in any proceedings against that person in respect of the parking offence to which the statutory declaration relates, the statutory declaration is evidence that that person was, at all relevant times relating to that parking offence, in charge of the vehicle to which  
35 the parking offence relates.

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(7) The provisions of this section shall be construed as supplementing, and not as derogating from, any other provision of this Act or the regulations or any other Act or regulation, by-law or ordinance under any other Act.

5 **75.** (1) Where it appears to a member of the police force or a prescribed officer that any person has committed, or by virtue of section 74 is guilty of, any parking offence (within the meaning of that section) prescribed for the purposes of this section, the member of the police force or prescribed officer may serve a notice on that  
10 person to the effect that if that person does not desire to have the matter determined by a court, that person may pay to an officer specified in the notice within the time specified therein an amount of penalty prescribed for that offence if dealt with under this section.

Penalty notices for certain offences. cf. 1909 No. 5, s. 18B.

(2) Any notice under subsection (1)—

15 (a) may be served personally or by post; or

(b) if it relates to an offence of which the owner of a vehicle is guilty by virtue of section 74, may be addressed to the owner without naming him or stating his address and may be served by leaving it on or attaching it to the vehicle.

20 (3) Any person alleged to have committed or be guilty of an offence to which subsection (1) applies has the right to decline to be dealt with under this section.

(4) Any person who fails to pay the penalty within the time specified in the notice given to him under subsection (1) or  
25 within such further time as may in any particular case be allowed shall be deemed to have declined to be dealt with under this section.

(5) Where the amount of any prescribed penalty for an alleged offence is paid pursuant to this section, no person is liable to any further proceedings for the alleged offence.

30 (6) Payment of a penalty pursuant to this section shall not be regarded as an admission of liability for the purpose of nor in any way affect or prejudice any civil claim, action or proceeding arising out of the same occurrence.

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(7) The regulations may—

- (a) prescribe the offences which shall be prescribed offences for the purposes of this section by setting out the offences or by a reference to the regulation or part of the regulation creating the offence;
- (b) prescribe the amount of penalty payable under this section for any prescribed offence;
- (c) for the purposes of this section, prescribe different amounts of penalties for different offences or classes of offences or for offences or classes of offences having regard to the circumstances thereof; and
- (d) prescribe the persons or classes of persons who shall be prescribed officers for the purposes of this section.

(8) No penalty prescribed under this section for any offence shall exceed any maximum amount of penalty which could be imposed for the offence by a court.

(9) The provisions of this section shall be construed as supplementing, and not as derogating from, any other provision of this Act or the regulations or any other Act or regulation, by-law or ordinance under any other Act in relation to proceedings which may be taken in respect of offences.

76. Where any difference, whether or not arising out of the construction of this Act or any other Act, arises between an Authority and the Commissioner for Motor Transport, the Commissioner for Main Roads, the Commissioner of Police, the council of any city, municipality or shire, or any Government Department or body constituted by or under any Act with respect to the carrying out of the provisions of this Act or any other Act under which functions are conferred or imposed on the Authority, or any matter arising thereout, the difference shall be determined by the Governor or in such manner as the Governor directs.

Differences between authorities. cf. 1972 No. 53, s. 22.

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77. (1) Where judgment has been given by a court against any officer of an Authority for the payment of any sum of money, or against any contractor to the Authority for the payment of any sum of money in respect of any dishonoured cheque or promissory note or upon any guarantee or bond or for rent of any land or for goods supplied or money lent or for wages due in connection with his contract with the Authority, the person in whose favour the judgment has been given may serve on the Authority a copy of the judgment certified under the hand of the registrar or other proper officer of the court by which the judgment was delivered or in which it was obtained and a statutory declaration stating that the judgment has not been satisfied by the judgment debtor and setting out the amount due by the judgment debtor under the judgment.

Enforcement of judgments. cf. 1912 No. 30, s. 107A; 1930 No. 18, s. 128A.

(2) Upon the service upon it of a copy of a judgment and a statutory declaration in pursuance of this section, the Authority shall, as soon as practicable, notify the judgment debtor in writing of the service of the copy judgment and statutory declaration and require him to state in writing, within a time to be specified by him, whether the judgment has been satisfied, and if so, to furnish evidence in support thereof, and if the judgment has not been satisfied, to state the amount then due under it.

(3) If the officer or contractor fails to prove to the satisfaction of the Authority that the judgment has been satisfied, the Authority may, from time to time, deduct from the net amount of any money payable to the officer or contractor such sums as are in its opinion reasonable towards the satisfaction of the judgment, and shall apply those sums in the manner provided in this section.

(4) In no case shall a deduction be made which will reduce the amount to be received by an officer to less than a sum per week equivalent to the amount ascertained in accordance with subsection (5).

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(5) The amount which, pursuant to subsection (4), is to be ascertained in accordance with this subsection shall—

5 (a) in the application of subsection (4) to a male officer—be ascertained by deducting \$8 from the basic wage for adult males in force within the meaning of Part V of the Industrial Arbitration Act, 1940, immediately before the deduction under subsection (3) is made; and

10 (b) in the application of subsection (4) to a female officer—be ascertained by deducting \$8 from the basic wage for adult females in force within the meaning of that Part immediately before the deduction under subsection (3) is made.

(6) Where more than one judgment and statutory declaration are served upon the Authority in respect of one 15 judgment debtor, the judgments shall be dealt with under this section in the order of service thereof upon the Authority.

(7) Any deductions made under subsection (3) from money payable to an officer or contractor shall, as between the Authority and the officer or contractor, be deemed to be a payment 20 in full in money to the extent of the payment by the Authority to the officer or contractor.

(8) Any person to whom a payment has been made in pursuance of this section and who fails to notify the Authority immediately a judgment debt in respect of which the payment is 25 made, is satisfied, or is deemed to be satisfied, shall be liable to forfeit to the Authority a penalty not exceeding \$100.

(9) If any deduction made in pursuance of subsection (3) from money payable to a judgment debtor exceeds the amount due under the judgment against the judgment debtor, the excess shall 30 be repayable by the Authority to the judgment debtor, and in default of payment, may be recovered by the judgment debtor in any court of competent jurisdiction.



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(10) The foregoing provisions of this section do not apply in relation to any officer or contractor whose estate has been sequestrated either voluntarily or compulsorily for the benefit of his creditors, and who has not obtained a certificate of discharge.

5 (11) The remedy prescribed by this section shall not, as regards any officer or contractor, limit or affect any other remedy which may be open under the ordinary process of the law, but as regards the Authorities, the remedy shall be an exclusive one.

10 (12) Out of the sums deducted under subsection (3) there shall be retained by the Authority, to be paid into the Fund, an amount equal to 5 per cent (or such other percentage as the Governor may, by order, notify in the Gazette, which order the Governor is hereby authorised to make) of those sums, and the balance of those sums shall be paid to the judgment creditor.

15 (13) When the Authority makes a payment to a judgment creditor under subsection (12), the Authority shall forward to the judgment creditor a statement showing—

- 20 (a) the sums deducted under subsection (3) in respect of the judgment from money payable to the officer or contractor;
- (b) the amount retained under subsection (12) out of those sums by the Authority; and
- (c) the balance of those sums paid under subsection (12) to the judgment creditor.

25 (14) Upon payment being made under subsection (12) to the judgment creditor, the judgment creditor shall credit the officer or contractor with the sums referred to in subsection (13) (a), as shown in the statement forwarded by the Authority to the judgment creditor, and the judgment in respect of which the pay-  
30 ment was made shall for all purposes be deemed to be satisfied to the extent of those sums, as so shown.

(15) In this section, “judgment” includes a judgment against joint defendants.

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- 78.** The provisions of the Public Service Act, 1979, do not apply to or in respect of the appointment of any person as a member or officer of a Corporation, and a person is not, in his capacity as such a member or officer, subject to those provisions. Public Service Act, 1979, not to apply.
- 79.** In any legal proceedings by or against a Corporation, no proof shall be required (until evidence is given to the contrary) of— Proof of certain matters not required. cf. 1972 No. 53, s. 26.
- 5 (a) the constitution of the Corporation;
- (b) any resolution of the Corporation;
- 10 (c) the appointment of or holding of office by any member of the Corporation;
- (d) the appointment of any officer of the Corporation; or
- (e) the presence of a quorum at any meeting of the Corporation.
- 80.** Every summons, process, demand, order, notice, statement, direction or document requiring authentication by a Corporation may be sufficiently authenticated without the seal of the Corporation if signed by the Secretary or by any other officer authorised to do so by the Corporation. Authentication of certain documents of Corporations. cf. 1972 No. 53, s. 28.
- 20 **81.** Any charge, fee or money due to an Authority, or to the Crown, in respect of any of the activities of the Authority under the provisions of this or any other Act or any regulation or by-law may be recovered by the Authority as a debt in a court of competent jurisdiction. Recovery of charges, etc., by Authorities. cf. 1972 No. 53, s. 30.
- 25 **82.** In any other Act, in any instrument made under any Act or in any other instrument of any kind, except in so far as the context or subject-matter otherwise indicates or requires— Shortened references to Corporations.
- 30 (a) a reference to the "State Rail Authority" shall be read and construed as a reference to the State Rail Authority of New South Wales;

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(b) a reference to the "Urban Transit Authority" shall be read and construed as a reference to the Urban Transit Authority of New South Wales; and

5 (c) a reference to the "Railway Workshops Board" shall be read and construed as a reference to the Railway Workshops Board of New South Wales.

**83.** (1) As soon as practicable after 30th June, but on or before 31st December, in each year, each Authority shall prepare and submit to the Minister a report of its work and activities for the 12 months preceding 30th June in that year. Annual reports. cf. 1972 No. 53, s. 31.

(2) The Minister shall lay the report or cause it to be laid before both Houses of Parliament as soon as practicable after the receipt by him of the report.

(3) A report under subsection (1) by an Authority may include any report required to be made annually by the Authority under any other Act.

(4) In so far as a report under subsection (1) includes any matter that relates to a period in respect of which a report is required to be made annually by an Authority under any other Act, the provision of that other Act which requires the report to be made in respect of that period has no operation.

(5) A report under subsection (1) by the State Rail Authority shall include a report on the work and activities of the Railway Workshops Board for the relevant period.

25 **84.** Proceedings for an offence against this Act or the regulations may be taken before a court of petty sessions constituted by a stipendiary magistrate or any 2 justices of the peace.

Proceedings for offences against Act. cf. 1972 No. 53, s. 30A.

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**85.** (1) The Governor may make regulations, not inconsistent Regulations.  
with this Act, for or with respect to any matter that by this Act is  
required or permitted to be prescribed or that is necessary to be  
prescribed for carrying out or giving effect to this Act and, in  
5 particular, for or with respect to—

- (a) the standing, waiting or parking of vehicles on land  
vested in either of the Authorities; and
- (b) the ferry services provided by the Urban Transit  
Authority, including their orderly operation and the  
10 obligations of passengers.

(2) A regulation may impose a penalty not exceeding  
\$100 for any contravention thereof.

(3) A provision of a regulation may—

- 15 (a) apply generally or be limited in its application by  
reference to specified exceptions or factors;
- (b) apply differently according to different factors of a  
specified kind; or
- 20 (c) authorise any matter or thing to be from time to time  
determined, applied or regulated by any specified person  
or body,

or may do any combination of those things.

**86.** Each Act specified in Column 1 of Schedule 7 is, to the Repeals.  
extent specified opposite that Act in Column 2 of that Schedule,  
repealed.

25 **87.** Schedule 8 has effect.

Savings,  
transitional  
and other  
provisions.

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## SCHEDULE 1.

Secs. 5 (5),  
19 (5),  
27 (5).

## CONSTITUTION AND PROCEDURE OF THE CORPORATIONS.

1. (1) The regulations may, subject to this Act, make provision for or Provisions  
with respect to the election of a person to hold office as elected member of as to  
5 a Corporation. elected  
members.
- (2) The Electoral Commissioner for New South Wales, or a person  
employed in the office of the Electoral Commissioner and nominated by  
him, shall be the returning officer for an election, and shall have and may  
10 exercise the functions conferred or imposed on the returning officer by the  
regulations in relation to the election.
- (3) Eligible persons are entitled to vote at an election in accordance  
with the regulations.
- (4) A person's nomination as a candidate for election is invalid if the  
nomination is not made by at least 2 persons who are eligible persons.
- 15 (5) A person's nomination as a candidate for election is invalid if he  
is not a member of an industrial union at the time of his nomination.
- (6) If no person is nominated at an election, or if for any other reason  
an election fails or is not held, the Minister may appoint a person to be a  
20 member of the Corporation, and the person shall, on being appointed, be  
deemed to be a person elected in the manner prescribed by the regulations.
- (7) In this clause—  
“eligible person” means—
- (a) in relation to the election of a member of the State Rail  
Authority—an officer of either Authority;
- 25 (b) in relation to the election of a member of the Urban  
Transit Authority—an officer of the Authority; or
- (c) in relation to the election of a member of the Railway  
Workshops Board—an officer of the State Rail Authority  
30 declared by the regulations to be entitled to vote at an  
election held in respect of the Board;
- “industrial union” means an industrial union of employees registered  
as such under the Industrial Arbitration Act, 1940, or an asso-  
ciation of employees registered as an organization under the  
Conciliation and Arbitration Act 1904 of the Commonwealth, as  
35 subsequently amended.
2. Where the body referred to in section 5 (4) (c), 19 (4) (c) or 27 (4) Failure to  
(f) does not submit the nomination of a panel for the purposes of that nominate.  
provision within the time or in the manner specified by the Minister in a

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SCHEDULE 1—*continued.*

CONSTITUTION AND PROCEDURE OF THE CORPORATIONS—*continued.*

notice served by post on that body, the Minister may appoint a person to be a member of the Corporation, and the person shall, on being appointed, be deemed to be a person appointed in accordance with that provision.

3. A person who is of or above the age of 65 years is not eligible to be appointed as a member of a Corporation or to act as deputy of any member of a Corporation.

4. An appointed member of a Corporation shall, subject to this Act, hold office for such term, not exceeding 3 years, as is specified in the instrument of his appointment, and is, if otherwise qualified, eligible to become a member again at or after the expiration of his previous term of office.

5. (1) An appointed member of a Corporation is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

(2) The office of an appointed member of a Corporation shall, for the purposes of any Act, be deemed not to be an office or place of profit under the Crown.

6. Where, by or under any Act, provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of that office, that provision does not operate to disqualify him from holding that office and also the office of member of a Corporation or from accepting and retaining any remuneration payable to him as a member of a Corporation.

7. (1) An appointed member of a Corporation shall be deemed to have vacated his office—

(a) if he dies;

(b) if he is absent from 4 consecutive meetings of the Corporation of which reasonable notice has been given him either personally or in the ordinary course of post, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant) before the expiration of 4 weeks after the last of those meetings;

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*Transport Authorities.*

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SCHEDULE 1—*continued.*CONSTITUTION AND PROCEDURE OF THE CORPORATIONS—*continued.*

- 5 (c) if he becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his remuneration or allowances as a member of the Corporation, or of his estate, for their benefit;
- 10 (d) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 15 (e) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour so punishable;
- (f) if he resigns his office by writing under his hand addressed to the Minister and the Minister accepts the resignation;
- 20 (g) if, at any meeting of the Corporation at which he is present and at which any agreement or proposed agreement in which he has a direct or indirect pecuniary interest, or any other matter in which he has such an interest, is the subject of consideration or is included on the agenda for consideration—
- 25 (i) he fails, as soon as practicable after the commencement of the meeting, to disclose to the meeting his interest in; or
- (ii) he takes part in the consideration or discussion of, or votes on any question with respect to,
- the agreement, proposed agreement or other matter;
- 30 (h) if—
- (i) he has any direct or indirect pecuniary interest in any agreement with the Corporation, or in any other matter in which the Corporation is concerned, other than an interest in an agreement or other matter which he has in the like manner to that applicable, and subject to the like conditions applicable, in the case of persons who are not members of the Corporation; or
- 35 (ii) by virtue of his office as a member of the Corporation he accepts or acquires any personal profit or advantage other
- 40 than under this Act;

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*Transport Authorities.*

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SCHEDULE 1—*continued.*CONSTITUTION AND PROCEDURE OF THE CORPORATIONS—*continued.*

- (i) if he is removed from office by the Minister for misbehaviour or incompetence; or
- 5 (j) upon his attaining the age of 65 years.
- (2) If—
- (a) a company has a direct or indirect pecuniary interest in any agreement, proposed agreement or other matter the subject of consideration at a meeting of the Corporation; or
- 10 (b) a company has a direct or indirect pecuniary interest in any agreement with the Corporation or in any other matter in which the Corporation is concerned,
- a member of the Corporation who—
- 15 (c) is a member of the governing body of or is a substantial shareholder within the meaning of section 69c of the Companies Act, 1961, in that company shall, for the purposes of subclause (1) (g) and (h), be deemed to have a direct or indirect pecuniary interest in that agreement, proposed agreement or other matter; or
- 20 (d) has a relevant interest, within the meaning of section 6A of that Act, in any share of the company shall, for the purposes of subclause (1) (g) and (h), be deemed to have a direct or indirect pecuniary interest in that agreement, proposed agreement or other matter.
- 25 8. The procedure for the calling of, and for the conduct of business at, General meetings of a Corporation shall, subject to any procedure that is specified in this Act or prescribed, be as determined by the Corporation. procedures.
9. (1) Questions arising at any meeting of a Corporation shall be determined by a majority of votes of the members present and voting. Voting.
- 30 (2) In the event of an equality of votes at any meeting of a Corporation, the person presiding at the meeting shall have, in addition to a deliberative vote, a second or casting vote.
10. A Corporation shall cause a record of its decisions and full and accurate minutes of the proceedings at its meetings to be kept. Minutes.



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*Transport Authorities.*

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SCHEDULE 1—*continued.*

CONSTITUTION AND PROCEDURE OF THE CORPORATIONS—*continued.*

11. (1) Each ex officio member of a Corporation may, from time to time, appoint a person to be his deputy, and the member or the Minister may revoke any such appointment.

(2) The regulations may make provision for or with respect to the appointment of persons to be deputies of appointed members of a Corporation.

(3) In the absence of a member of a Corporation, the member's deputy—

(a) shall, if available, act in the place of the member; and

(b) while so acting shall be deemed to be a member of the Corporation and shall have and may exercise the functions of the member.

12. No matter or thing done, and no contract entered into, by a Corporation, and no matter or thing done by a member of the Corporation or by any other person acting under the direction or delegation of the Corporation shall, if the matter or thing was done or the contract was so entered into, in good faith, for the purposes of executing this or any other Act conferring or imposing functions upon the Corporation subject the member or person personally to any action, liability, claim or demand.

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SCHEDULE 2.

Secs. 17 (3),  
45 (2).

THE EXECUTIVE OFFICERS.

1. In this Schedule, "executive officer" means the Chief Executive or a Deputy Chief Executive of the State Rail Authority or the Managing Director of the Urban Transit Authority.

2. A person who is of or above the age of 65 years is not eligible for appointment as an executive officer, or to act in the office of an executive officer under clause 5.

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*Transport Authorities.*

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SCHEDULE 2—*continued.*

THE EXECUTIVE OFFICERS—*continued.*

3. (1) An executive officer shall, subject to this Act, hold office for Term of such term, not exceeding 7 years, as is specified in the instrument of his office.  
5 appointment.
- (2) An executive officer shall devote the whole of his time to the duties of his office.
- (3) An executive officer is, if otherwise qualified, eligible to become an executive officer again at or after the expiration of his term of office.
- 10 4. An executive officer is entitled to be paid—
- (a) remuneration in accordance with the Statutory and Other Offices Remuneration Act, 1975; and
- (b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of him.
- 15 5. (1) The Minister may, by writing under his hand, appoint a person Acting to act in the office of an executive officer while the executive officer is executive absent from his office through illness or any other cause or where the officer. executive officer is deemed to have vacated his office, and the person so appointed, while so acting, shall have and may exercise the functions of the executive officer vested in the executive officer by or under this or any  
20 other Act in the same manner as if he were the executive officer.
- (2) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act in the office of an executive officer and all acts or things done or omitted by the person  
25 appointed under this clause, while so acting, shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the executive officer.
- 30 6. (1) An executive officer shall be deemed to have vacated his office—
- (a) if he engages in any paid employment outside the duties of his office; or
- (b) if he absents himself from duty for a period exceeding 14 consecutive days except on leave granted by the Minister (which leave the Minister is hereby authorised to grant), unless his absence is occasioned by illness or other unavoidable cause.

Remuneration.

Casual vacancy.

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*Transport Authorities.*

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SCHEDULE 2—*continued.*

THE EXECUTIVE OFFICERS—*continued.*

(2) The provisions of clause 7 (subclause (1) (b) excepted) of Schedule 1 apply to and in respect of an executive officer in the same way as they apply to and in respect of an appointed member of a Corporation.

7. On the occurrence of a casual vacancy in the office of an executive officer, the office shall, without affecting clause 5, be filled as if it had become vacant because of the expiry of the term of office of the previous occupant.

Filling of casual vacancies.

10 8. (1) In this section, “superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

Preservation of rights of executive officer previously public servant, etc.

(2) Subject to subclause (3) and to the terms of his appointment, where an executive officer was, immediately before his appointment as such an executive officer—

- (a) an officer of the Public Service;
- (b) a contributor to a superannuation scheme;
- (c) an officer of the Public Transport Commission;
- 20 (d) an officer of an Authority or of the Department of Motor Transport;
- (e) an officer or employee of a statutory body; or
- 25 (f) a person in respect of whom provision was made by an Act (including any enactment repealed by this Act, the Government Railways (Amendment) Act, 1980, or the Transport (Amendment) Act, 1980, or referred to in section 6A of the Transport Act, 1930) that he retain any rights accrued or accruing to him as an officer or employee,

he—

- 30 (g) shall retain any rights accrued or accruing to him as such an officer, employee, contributor or person;
- (h) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as such an executive officer;
- 35 (i) shall be entitled to receive any payment, pension or gratuity as if he had continued to be such an officer, employee, contributor or person during his service as such an executive officer;

*Transport Authorities.*

SCHEDULE 2—*continued.*

THE EXECUTIVE OFFICERS—*continued.*

(j) his service as a member shall be deemed to be service as an officer or employee for the purposes of any law under which those rates were accrued or accruing, under which he continued to contribute or under which that entitlement is conferred; and

(k) he shall be deemed to be an officer of the appropriate Authority, and that Authority shall be deemed to be his employer for the purposes of the superannuation scheme to which he is entitled to contribute under this subclause.

(3) A person who, but for this subclause, would be entitled under subclause (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme, shall not be so entitled upon his becoming (whether upon his appointment as an executive officer or at any later time while he holds office as an executive officer) a contributor to any other superannuation scheme, and the provisions of subclause (2) (k) cease to apply to or in respect of him and the Authority in any case where he becomes a contributor to such another scheme.

(4) Subclause (3) does not prevent the payment to a person upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer for the purposes of that scheme.

(5) A person is not, in respect of the same period of service, entitled to claim a benefit under this Schedule and any other provision of this or any other Act.

9. (1) In this clause—

“prescribed authority” means an Authority or any other statutory body;

“retiring age” means—

(a) in relation to a person who was, immediately before his appointment as an executive officer, an officer of the Public Service—the age of 60 years; and

(b) in relation to a person who was, immediately before his appointment as an executive officer, a member, officer or employee of a prescribed authority—the age at which members, officers or employees, as the case may be (being members, officers or employees of the class to which that

Executive officer entitled to reappointment in certain cases.

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*Transport Authorities.*

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SCHEDULE 2—*continued.*

THE EXECUTIVE OFFICERS—*continued.*

person belongs immediately before his appointment as such an executive officer), of that prescribed authority are entitled to retire.

5

(2) A person who ceases to be an executive officer otherwise than pursuant to clause 6 (clause 7 (1) (f) of Schedule 1, as applied by clause 6, excepted), shall, if he has not attained the retiring age, be entitled to be appointed where immediately before his appointment as such an executive officer he was—

10

(a) an officer of the Public Service—to some position in the Public Service;

(b) an officer of an Authority—to some office in the service of the Authority;

15

(c) an officer or employee of a statutory body—to some position in the service of that body; or

(d) a member of a prescribed authority—to some office in the service of the Government,

not lower in classification and salary than that which he held immediately before his appointment as such an executive officer.

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SCHEDULE 3.

Sec. 26 (2)  
(3).

RAILWAY WORKSHOPS.

Eveleigh Locomotive Workshops.

Eveleigh Carriage Workshops.

25 Electric Workshops, Chullora.

Structural Track and Signal Workshops, Chullora.

Locomotive Workshops, Chullora.

Wagon Maintenance Centre, Clyde.

Goulburn Railway Workshops.

30 Bathurst Railway Workshops.

Locomotive Workshops, Cardiff.

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*Transport Authorities.*

SCHEDULE 4.

Sec. 47 (7).

STAFF LEAVE ENTITLEMENTS.

1. In this Schedule—

Interpre-  
tation.

5 "bank and public holidays" and "bank or public holidays" do not include Saturdays that are bank holidays by virtue of the provisions of section 15A of the Banks and Bank Holidays Act, 1912;

"officer" means an officer of the State Rail Authority or the Urban Transit Authority;

10 "relevant Authority", in relation to an officer, means the Authority of which he is an officer.

2. Every officer is entitled to at least 4 weeks' leave on full pay in respect of each 12 months of actual service, in addition to bank and public leave. holidays observed throughout the State.

15 3. (1) Subject to subclause (3), any officer who cannot take his leave under clause 2 on any bank or public holidays by reason that he has been required to work on those days is entitled instead to leave on full pay for the same number of days at some future time. Bank and public holidays.

20 (2) Any officer who is required to work on a bank or public holiday is entitled to pay at the rate of time and one-half for work performed on that day, except in so far as an award or industrial agreement applicable to him provides for payment at a rate in excess of that rate for any work so performed.

25 (3) Where an award or industrial agreement referred to in subclause (2) provides for payment at a rate in excess of double time for any work performed on a bank or public holiday, the officer shall not, in respect of that day, be entitled to leave on full pay at some future time, as provided for in subclause (1), as well as to pay at such a rate.

4. (1) Subject to this clause, an officer is entitled—

Extended  
leave.

30 (a) after service for 10 years, to leave for 2 months on full pay or 4 months on half pay; and

*Transport Authorities.*SCHEDULE 4—*continued.*STAFF LEAVE ENTITLEMENTS—*continued.*

- (b) after service in excess of 10 years, to—
- 5 (i) leave pursuant to paragraph (a); and
- (ii) in addition, an amount of leave proportionate to his length of service after 10 years, calculated on the basis of 5 months on full pay, or 10 months on half pay, for 10 years served after service for 10 years.
- (2) For the purpose of calculating the entitlement of a person to  
10 extended leave under this clause at any time—
- (a) service referred to in this clause includes service before the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1971;
- 15 (b) there shall be deducted from the amount of extended leave to which, but for this paragraph, that person would be entitled—
- (i) any extended leave, or leave in the nature of extended leave; and
- 20 (ii) the equivalent, in extended leave, of any benefit instead of extended leave or leave in the nature of extended leave,
- 25 taken or received by that person before that time, including any such leave taken, or benefit received, by that person pursuant to a repealed provision of the Government Railways Act, 1912, or pursuant to any of the provisions referred to in section 6A of the Transport Act, 1930; and
- (c) the provisions of the Transferred Officers Extended Leave Act, 1961, shall have effect,
- 30 but nothing in this subclause shall be construed as authorising, in respect of the same period of leave taken or the same benefit received, a deduction under both paragraph (b) of this subclause and section 3 (7) of the Transferred Officers Extended Leave Act, 1961.
- (3) Where the services of an officer with at least 5 years' service as an adult and less than 10 years' service are terminated by his employer for any  
35 reason other than the officer's serious and wilful misconduct, or by the officer on account of illness, incapacity or domestic or other pressing necessity, he is entitled for 5 years' service to 1 month's leave on full pay and for service after 5 years to a proportionate amount of leave on full pay calculated on the basis of 3 months' leave for 15 years' service (that service  
40 to include service as an adult and otherwise than as an adult).

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*Transport Authorities.*

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SCHEDULE 4—*continued.*STAFF LEAVE ENTITLEMENTS—*continued.*

(4) For the purposes of subclause (3), “service as an adult”—

- 5 (a) in the case of an officer employed to do any work for which  
the rate or wage has been fixed by an award made under the  
Conciliation and Arbitration Act 1904 of the Commonwealth,  
as subsequently amended, or made under the Industrial Arbitration  
Act, 1940, or has been fixed by an industrial agreement  
10 made pursuant to or registered under either of those  
Acts—means the period of service during which the remuneration  
applicable to the officer was at a rate not lower than the  
lowest rate fixed under the award or industrial agreement  
for an adult male or adult female in the same trade, classification,  
rank, position, grade or calling as the officer;
- 15 (b) in the case of an officer being an apprentice the terms of  
whose employment are governed by an award applicable only  
to apprentices—means the period of service during which  
the remuneration applicable to the officer was at a rate not  
20 less than the rate prescribed by the award covering a journeyman  
carrying out work in the same trade, classification, rank,  
position, grade or calling as the officer; and
- 25 (c) in the case of an officer employed to do any work for which  
no rate or wage has been fixed by an award or industrial  
agreement referred to in paragraph (a)—means the period  
of service during which the officer was not less than 21 years  
of age.

(5) Any officer who has acquired a right to leave under subclause  
(1) or (3) shall upon the termination of his services be paid forthwith  
30 any gratuity to which he may be otherwise entitled.

(6) Any leave to which an officer is entitled under subclause (1)  
shall, if taken before the retirement of the officer, be so taken at such time  
as the exigencies of the relevant Authority's services permit.

35 (7) Where an officer has acquired a right under subclause (1) to leave  
with pay and dies before entering upon it, or after entering upon it dies  
before its termination, the widow or the widower of the officer, or if there  
is no such widow or widower the children of the officer, or if there is no  
such widow, widower or children the person who, in the opinion of the  
relevant Authority, was, at the time of the death of the officer, a dependent  
40 relative of the officer, is entitled to receive the money value of the leave not  
taken or not completed, computed at the rate of salary the officer received  
at the time of his or her death.



*Transport Authorities.*

SCHEDULE 4—*continued.*

STAFF LEAVE ENTITLEMENTS—*continued.*

(8) Where an officer with at least 5 years' service as an adult and less than 10 years' service as referred to in subclause (3) dies, the widow or widower of the officer, or if there is no such widow or widower the children of the officer, or if there is no such widow, widower or children such person as, in the opinion of the relevant Authority was, at the time of the death of the officer, a dependent relative of the officer, is entitled to receive the money value of the leave which would have accrued to the officer had his or her services terminated as referred to in subclause (3), computed at the rate of salary the officer received at the time of his or her death.

(9) Where there is a guardian of any children entitled under subclause (7) or (8), the payment to which any such children are entitled may be made to the guardian for their maintenance, education and advancement.

(10) Where there is no person entitled under subclause (7) or (8) to receive the money value of any leave not taken or completed by an officer or which would have accrued to the officer payment in respect thereof shall be made to the personal representatives of the officer.

(11) Where payment of the money value of leave has been made under this clause, no action may be brought for payment of any amount in respect of the leave.

(12) No officer shall be entitled to benefits under subclause (1) or (3) as well as to benefits of the like nature under the provisions of any other enactment for the same period of service.

(13) For the purposes of this clause, "service" includes service with the State Rail Authority, Urban Transit Authority and Department of Motor Transport or any of their predecessors.

(14) For the purposes of subclause (1), "service" includes any period of leave without pay taken before the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1963, and shall in the case of an officer who has completed at least 10 years' service (any period of leave without pay taken before that commencement being included therein and any period of leave without pay taken after that commencement being excluded therefrom) include any period of leave without pay taken after such commencement where that period does not exceed 6 months.

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*Transport Authorities.*

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SCHEDULE 4—*continued.*

STAFF LEAVE ENTITLEMENTS—*continued.*

(15) For the purposes of subclause (3), “service” does not include any period of leave without pay whether taken before or after the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1963.

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SCHEDULE 5.

Sec. 47 (8).

STAFF COMPENSATION ENTITLEMENTS.

1. In this Schedule—

Interpre-  
tation.

10 “former provisions” means sections 100B–100E of the Government Railways Act, 1912, or sections 124–124c of the Transport Act, 1930, as respectively in force before the appointed day;

“officer” means an officer of the State Rail Authority or the Urban Transit Authority;

15 “relevant Authority”, in relation to an officer, means the Authority of which he is an officer;

“Workers’ Compensation Commission” means the Workers’ Compensation Commission of New South Wales.

20 2. (1) Where an officer has been incapacitated by injury arising out of and in the course of his employment so as to be unable to perform the duties of the classification to which at the date of the injury he had been appointed, he shall, except where the injury was caused by his own serious and wilful misconduct, be paid, during that incapacity, not less than the salary for the time being payable to officers with the same classification and  
25 with the same length of service therein as the officer had at the date he received the injury, but that salary shall cease to be payable when the officer is retired from or otherwise leaves the service of the relevant Authority.

Officer  
incapaci-  
tated  
by injury.

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*Transport Authorities.*

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SCHEDULE 5—*continued.*STAFF COMPENSATION ENTITLEMENTS—*continued.*

(2) Where an officer who has been incapacitated by injury arising out of and in the course of his employment was, at the date of any such injury, and had been, for a continuous period of not less than 4 months immediately preceding that date, or for periods amounting to 4 months in the aggregate, during the period of 12 months immediately preceding that date, employed upon duties of a classification (in this subclause referred to as the "higher classification") carrying a higher salary than the classification to which at that date he had been appointed, and where the incapacity is such that the officer is by reason thereof unable to perform the duties of the higher classification, he shall, except where the injury was caused by his own serious and wilful misconduct, be paid, during that incapacity, not less than the salary for the time being payable to officers performing duties in the higher classification (not being officers who have been appointed thereto) with the same length of service upon those duties as such officer had at the date he received the injury, but that salary shall cease to be payable when the officer is retired from or otherwise leaves the service of the relevant Authority.

(3) An officer who has been incapacitated by injury arising out of and in the course of his employment shall, except where any such injury was caused by his own serious and wilful misconduct, be entitled, in addition to any payment under subclause (1) or (2), to the cost of such medical or hospital treatment or ambulance service as may be reasonably necessary having regard to the injury received by the officer.

(4) The provisions of section 10 (2) to (7), both subsections inclusive, of the Workers' Compensation Act, 1926, shall, *mutatis mutandis*, apply to and in respect of any such medical or hospital treatment or ambulance service as is referred to in subclause (3).

(5) Where the injury for which any amount is payable under this clause was caused under circumstances creating a legal liability in some person other than the relevant Authority (or any of its predecessors) to pay damages in respect thereof—

(a) the officer who has been so incapacitated may take proceedings both against that person to recover damages and against the relevant Authority to recover the amount payable under this clause but shall not be entitled to retain both damages and that amount, and—

(i) if the officer recovers firstly the amount payable under this clause and secondly damages he shall be liable to repay to the Authority out of those damages the amount

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*Transport Authorities.*

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SCHEDULE 5—*continued.*STAFF COMPENSATION ENTITLEMENTS—*continued.*

5 which the Authority has paid under this clause in respect of the officer's injury and the officer shall not be entitled to payment of any further amounts under this clause; or

(ii) if the officer firstly recovers those damages he shall not be entitled to recover any amount under this clause;

10 (b) if the officer has recovered any amount under this clause the relevant Authority shall be entitled to be indemnified by the person so liable to pay damages; or

15 (c) where any payment is made under the indemnity and, at the time of the payment, the officer has not obtained judgment for damages against the person paying under the indemnity, the payment shall, to the extent of its amount, be a defence to proceedings by the officer against that person for damages.

3. (1) Except as provided in subclause (2), any officer who, after Re-employed  
having been retired from or having otherwise left the service of an Authority, officers.  
has been re-employed in that service, shall not, by reason of any incapacity  
resulting from injury received during his former period of employment, be  
20 entitled to payment of salary at a rate ascertained in accordance with  
clause 2.

(2) When any officer who has been retired from or has otherwise  
left the service of an Authority as a result of incapacity occasioned by  
injury arising out of and in the course of his employment, is re-employed  
25 in that service, the following provisions shall have effect:—

30 (a) Where the officer was so re-employed by reason of having been required pursuant to section 119 of the Government Railways Act, 1912, to resume his duties or to undertake other duties, he shall be entitled, while he remains in the service of the Authority, to payment of salary at a rate ascertained in accordance with clause 2.

35 (b) Where the officer was so re-employed by reason of having been required by the Authority to resume his duties or to undertake other duties, and at the date he was so re-employed was receiving weekly payments by way of compensation—

(i) he shall, if he so elects, be entitled, while he remains in the service of the Authority, to payment of salary at a rate ascertained in accordance with clause 2; and

*Transport Authorities.*SCHEDULE 5—*continued.*STAFF COMPENSATION ENTITLEMENTS—*continued.*

- (ii) if he does so elect, he shall, as from the date of the election, cease to be entitled to any such weekly payments by way of compensation.
- 5
4. (1) Subject to section 37 of the Workers' Compensation Act, 1926, the Workers' Compensation Commission shall have exclusive jurisdiction to examine into, hear and determine all matters and questions arising under clause 2 (1), (2) and (3) and clause 3 (2), and the action or decision of that Commission shall be final. Jurisdiction of Workers' Compensation Commission in proceedings re clauses 2 (1) and 3 (2).
- (2) Without affecting the generality of subclause (1), the jurisdiction of the Workers' Compensation Commission shall extend to determining—
- (a) the question whether an injury received by an officer entitles him to the benefits of clause 2 or clause 3 (2); and
- 15 (b) the rate at which salary is payable to an officer who is entitled to the benefits of clause 2 or clause 3 (2).
- (3) For the purposes only of Part IV (sections 36 (4), 40, 41, 42 and 42A excepted) and section 50 of the Workers' Compensation Act, 1926, the jurisdiction conferred on the Workers' Compensation Commission by section 36 of that Act shall be deemed to include the jurisdiction conferred by this clause.
- 20
- (4) The provisions of sections 51, 53B, 53c, 53D, 56, 62A and 70 of the Workers' Compensation Act, 1926, and, except in so far as the rules made under that Act otherwise provide, those rules shall apply to and in respect of proceedings with respect to any matter or question that is within the jurisdiction of the Workers' Compensation Commission by virtue of this clause in the same way as they apply to and in respect of proceedings with respect to any matter or question that is within the jurisdiction of that Commission by virtue of section 36 of that Act.
- 25
- (5) Without affecting the generality of the foregoing provisions of this clause, the power to make rules conferred on the Workers' Compensation Commission by the Workers' Compensation Act, 1926, extends to the making of rules for or with respect to—
- 30
- (a) regulating the procedure and practice of that Commission in dealing with proceedings with respect to any matter or question that is within the jurisdiction of that Commission by virtue of this clause, including the commencement of those proceedings; and
- 35

*Transport Authorities.*

SCHEDULE 5—*continued.*

STAFF COMPENSATION ENTITLEMENTS—*continued.*

5 (b) prescribing all matters that are necessary or convenient to be prescribed by rules in relation to the exercise of the jurisdiction conferred upon that Commission by this clause.

10 (6) Where, but for the enactment of this clause, any provisions of this Act, the Government Railways Act, 1912, or the Transport Act, 1930, would have applied to or in respect of any proceedings in any court with respect to any person's entitlement under clause 2 (1), (2) or (3) or clause 3 (2), those provisions shall apply to or in respect of any such proceedings in the Workers' Compensation Commission.

15 5. (1) Where an officer has, pursuant to clause 2, become entitled to payment of salary at a rate ascertained in accordance with that clause, he shall, to the exclusion of any right while he remains in the service of the relevant Authority to compensation or damages against the Authority, continue to be so entitled during incapacity attributable to the injury and while he remains in that service unless he elects to make a claim against the Authority for compensation or damages.

Election between rights under clause 2, and right to compensation or damages.

20 (2) Any such election may be made by notice in writing given to the relevant Authority or by the institution of proceedings for the recovery of compensation or damages.

(3) Any such election shall be made as soon as practicable after the injury was sustained, but not in any case later than 12 months after the beginning of the first period of incapacity resulting from the injury.

25 (4) Where any such election is made—

(a) the officer shall, as from the date of the election, cease to be entitled to payment of the salary at the rate ascertained under clause 2; and

30 (b) any payment made to the officer before the date of the election by way of salary at the rate so ascertained, after making due allowance, in the case where the officer returns to duty before the date of the election, for any salary properly payable to him in respect of the duties of the classification in which he is employed after his return to duty and before the date of the election, shall, to the extent of its amount—

35 (i) be a defence to a claim against the Authority for damages; and

*Transport Authorities.*SCHEDULE 5—*continued.*STAFF COMPENSATION ENTITLEMENTS—*continued.*

- 5 (ii) be set off against any sum which becomes payable by the Authority as compensation (including the cost of medical or hospital treatment or ambulance service).

## 6. (1) An officer who—

- 10 (a) is a contributor to the Government Railways Superannuation Account or to the State Superannuation Fund;
- (b) has been incapacitated from the further discharge of his duties by injury arising out of and in the course of his employment, not being an injury caused by his own serious and wilful misconduct; and
- (c) by reason of that incapacity has been retired or has otherwise left the service of the relevant Authority,

Election between superannuation benefits, etc., and right to compensation or damages from Authority.

15 shall be entitled to the benefits conferred by Part IX of the Government Railways Act, 1912 (other than the gratuity referred to in section 116 of that Act), or to the benefits conferred by the Superannuation Act, 1916, as the case may be, and in addition thereto, shall be entitled to make an election—

- 20 (d) where he is a contributor to the Government Railways Superannuation Account—
- 25 (i) to claim the gratuity referred to in section 116 of the Government Railways Act, 1912, in which case he shall not be entitled to make any other claim, whether for compensation or damages, against the relevant Authority;
- 30 (ii) to make a claim for compensation, in which case he shall not be entitled to claim any such gratuity or to make any claim for damages against the relevant Authority; or
- (iii) to make a claim for damages against the relevant Authority, in which case—
- 35 (A) if he succeeds in his claim for damages he shall not be entitled to claim any such gratuity or to make any claim against the Authority for compensation; or

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*Transport Authorities.*

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SCHEDULE 5—*continued.*

STAFF COMPENSATION ENTITLEMENTS—*continued.*

- 5 (B) if he does not succeed in his claim for damages he shall be entitled to make a claim against the Authority for compensation but shall not be entitled to claim any such gratuity; or
- (e) where he is a contributor to the State Superannuation Fund—
- 10 (i) to make a claim for compensation, in which case he shall not be entitled to make any claim for damages against the relevant Authority; or
- (ii) to make a claim for damages against the relevant Authority, in which case—
- 15 (A) if he succeeds in his claim for damages he shall not be entitled to make any claim against the Authority for compensation; or
- (B) if he does not succeed in his claim for damages he shall be entitled to make a claim against the Authority for compensation.

20 (2) Notwithstanding subclause (1), where the officer concerned has, before being retired from or otherwise leaving the service of the relevant Authority, made a claim for compensation, and has elected, pursuant to section 16 of the Workers' Compensation Act, 1926 (whether as originally enacted or as amended), to accept an amount payable in accordance with the table to that section, the officer shall not be entitled to make any such

25 election or to claim any such gratuity or to make any claim for compensation or damages.

(3) Any such election may be made by notice in writing given to the relevant Authority or by the institution of proceedings against the Authority for the recovery of compensation or damages.

30 7. (1) A reference in this Schedule to service with an Authority shall be read and construed as including a reference to service with any predecessor of an Authority. Application of Schedule.

(2) Nothing in this Schedule applies to or in respect of an injury received before the appointed day, unless any of the former provisions were

35 applicable to or in respect of the injury before that day.



*Transport Authorities.*

## SCHEDULE 6.

Sec. 70 (2).

## LOANS.

1. (1) Each Authority shall establish a reserve for loan repayment fund in respect of all loans or renewal loans raised by the Authority. Reserve for repayment of loan.
- 5 (2) Each Authority shall, during each year, transfer from the revenue of the Authority to its reserve for loan repayment fund a sum not less than the sum that the Authority, in its application for approval of the loan, specified that it proposed to transfer to that fund.
- 10 (3) Money held as a reserve for loan repayment may be invested in Government securities of the Commonwealth or the State of New South Wales or in debentures, bonds, inscribed stock or other prescribed securities in any loan of the Authority or in any securities guaranteed by the Government of that State or in such other securities as the Governor may approve or as may be prescribed, in each case at their current market price.
- 15 (4) Any interest or profits realised on investments made under sub-clause (3) shall be added to and form part of the reserve for loan repayment fund.
- 20 (5) All money paid into the reserve for loan repayment fund in respect of any loan or renewal loan may only be applied in or towards repayment of that or any other loan or renewal loan.
- 25 (6) Where the Authority decides to cancel debentures, bonds, inscribed stock or other prescribed securities purchased from money in the reserve for repayment of the loan in respect of which they were issued, the Authority shall, in addition to the sum otherwise payable to the reserve for repayment in respect of that loan and subject to any agreement to which it is a party whereby it undertakes to pay interest at a higher rate to that reserve, pay to that reserve interest at the rate of 4.5 per cent per annum on the face value of the cancelled securities from the date of their
- 30 cancellation until the maturity of the loan.
- (7) The reserve for loan repayment fund shall not be subject to seizure in satisfaction of any debt other than the loan in respect of which the reserve was created.
- 35 (8) This clause shall not apply to any loan to be repaid by instalments at intervals of 1 year or less.

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*Transport Authorities.*

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SCHEDULE 6—*continued.*

LOANS—*continued.*

2. (1) For securing repayment of the principal and interest on any Debentures, money borrowed, an Authority may, as provided by the regulations, issue etc.  
5 debentures, bonds, inscribed stock or other prescribed securities.

(2) Every such debenture or bond and every coupon originally annexed to the debenture or bond, and whether separated therefrom or not, may be transferred by simple delivery.

(3) Inscribed stock shall be transferable in the books of the Authority  
10 in accordance with the regulations.

(4) Debentures, bonds, inscribed stock or prescribed securities issued under this Act shall, as regards both the issue and transfer thereof for full consideration for money or money's worth, be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp  
15 Duties Act, 1920, contained in the Second Schedule to that Act.

3. (1) The holder of a coupon originally annexed to a debenture or Payment bond, and whether separated therefrom or not, shall be entitled to receive of payment from the relevant Authority of the interest specified in the coupon debentures and on its presentation on or after the date when, and at the place where, the coupons.  
20 interest is payable.

(2) The due repayment of any loan in respect of which debentures, bonds, stock or any other prescribed securities have been issued by the relevant Authority and the interest thereon shall be a charge upon the income and revenue of the Authority and is hereby guaranteed by the  
25 Government.

(3) Any liability arising under the guarantee given by subclause (2) shall be discharged out of money provided by Parliament.

(4) The charge created by subclause (2) shall not prejudice or affect any power of the relevant Authority to sell, convey, lease or otherwise  
30 deal with, free of the charge, any property vested in it.

4. (1) Notwithstanding any other provision of this Act, any money Raising which an Authority is authorised to borrow may be borrowed by a loan loans in raised, wholly or in part, in such places outside New South Wales as the any Governor on the recommendation of the Minister and with the concurrence country.  
35 of the Treasurer may approve, and may be negotiated and raised in any currency.

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*Transport Authorities.*

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SCHEDULE 6—*continued.*

LOANS—*continued.*

6 (2) Any such loan may be raised wholly or in part by the issue of debentures, bonds, stock or other securities in any form and containing any term, condition or provision permitted under the law of the place where the loan is raised and the Authority may establish and conduct in that place registries relating to the securities issued in respect of that loan.

10 (3) The relevant Authority may, in respect of any such loan, agree that a sinking fund shall be established and controlled at such place and in such manner as may be found necessary or expedient in the circumstances of the case and, where any sinking fund is so established, the provisions of clause 1 shall apply with regard to that loan only in respect of the amount, if any, the repayment of which is not provided for by the sinking fund established under the agreement.

15 (4) In connection with the raising of any loan under this clause, the relevant Authority may enter into such agreements as it thinks fit with respect to the form of the debentures, bonds, stock or other securities referred to in subclause (2), or for the sale of those debentures, bonds, stock or other securities, or the granting of an option to purchase those  
20 debentures, bonds, stock or other securities, or for services to be performed by any person in Australia or in any other part of the world in connection with that loan or with the issue, management and redemption of or otherwise with respect to those debentures, bonds, stock or other securities, and any such agreement may be upon such terms and conditions and may  
25 contain such provisions for the giving or receipt of consideration as the Authority thinks fit.

(5) Copies of any agreement referred to in subclause (4) shall be forwarded to the Minister who shall lay them, or cause them to be laid, before both Houses of Parliament as soon as possible after the loan is  
30 raised.

(6) The Governor may, upon the recommendation of the relevant Authority, by notification published in the Gazette, appoint 2 or more persons to enter into for and on behalf of the Authority all such agreements as the Authority is by this clause authorised to enter into and to sign,  
35 execute or otherwise perfect all such agreements, debentures, bonds, stock or other securities as are by this clause provided for and to do all such things as may be necessary or convenient to be done for the purpose of raising any loan under this Act and may, upon the like recommendation and by a like notification, revoke or vary any such appointment and make  
40 any fresh appointment.

*Transport Authorities.*

SCHEDULE 6—*continued.*

LOANS—*continued.*

(7) The production of a copy of the Gazette containing a notification of any appointment referred to in subclause (6) or the revocation thereof shall, in favour of a lender or of any holder of a security, be conclusive evidence of the appointment or revocation.

(8) All debentures, bonds, stock or other securities, bearing the signatures of the persons so appointed in that behalf, shall be deemed to be securities lawfully issued under the seal of the relevant Authority and the principal money and interest secured thereby shall be a charge upon the income and revenue of the Authority from whatever source arising, and the due repayment of that principal money and that interest is hereby guaranteed by the Government, and all agreements and any instruments purporting to be made or issued under the authority of this clause and bearing the signatures of those persons shall be deemed to have been lawfully made or issued by the Authority and, if they purport to have been sealed by those persons, to have been lawfully executed by the Authority under seal.

(9) A holder of any such debenture, bond, stock or other security shall not be bound to inquire whether the issue of the debenture, bond, stock or security was, in fact, duly authorised.

(10) Subject to this clause and the law in force in the place where any loan is raised under this clause and applicable to that loan and the securities issued in connection therewith, the provisions of this Schedule, other than clauses 2 (1), 7 (3) and 7 (4), shall apply to and in respect of that loan and those securities in the same way as they apply to and in respect of any other loan and any other securities.

5. (1) This clause applies to and in respect of a loan, wherever raised, where the Governor, on the recommendation of the Minister and with the concurrence of the Treasurer, approves (as referred to in section 70 (1)) of the loan in and by an instrument which specifies that it is a loan to which this clause applies. Other methods of raising loans.

(2) Except as provided in this clause, the provisions of this Schedule do not apply to or in respect of a loan to which this clause applies.

(3) A loan to which this clause applies may be—

(a) raised in such amounts and in such currencies;

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*Transport Authorities.*

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SCHEDULE 6—*continued.*

LOANS—*continued.*

- (b) raised in such manner and on such terms and conditions; and
- (c) secured by such securities, if any,
- 5 as the Governor, on the recommendation of the Minister and with the concurrence of the Treasurer, approves in and by the instrument referred to in subclause (1) or in that instrument by reference to another instrument.
- (4) Any security or other instrument issued or executed by the relevant Authority or the Government in respect of a loan to which this clause
- 10 applies shall, both as regards its issue or execution and its transfer or assignment, be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, contained in the Second Schedule to that Act.
- (5) The Governor may, upon the recommendation of the relevant
- 15 Authority, appoint 2 or more persons for and on behalf of the Authority to enter into any securities or other instruments in respect of a loan to which this clause applies and to sign, execute or otherwise perfect all such securities or other instruments, and to do all such things as may be necessary or convenient to be done for the purpose of raising the loan under this Act,
- 20 and may upon the like recommendation revoke or vary any such appointment and make any fresh appointment.
- (6) The production of a copy of the Gazette containing a notification of any appointment or revocation under subclause (5) shall in favour of a lender, of the holder of any security or of a person to whom the benefit
- 25 under any such instrument is assigned be conclusive evidence of the appointment or revocation.
- (7) The due payment of any amounts payable by an Authority to the lender in respect of any loan to which this clause applies is a charge on the income and revenue of the Authority, from whatever source arising, and
- 30 is hereby guaranteed by the Government, and, where any agreement to which the Government is a party specifies any terms or conditions upon or subject to which the due payment of those amounts is so guaranteed, the due payment of those amounts is so guaranteed upon or subject to those terms and conditions.
- (8) An agreement with respect to a loan to which this clause applies
- 35 and to which the Government and an Authority are parties may require the Government to make any payment for which the Authority would, under the agreement, be liable but for its being precluded from making the payment by any law in force in New South Wales.

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*Transport Authorities.*

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SCHEDULE 6—*continued.*LOANS—*continued.*

(9) The Consolidated Revenue Fund is hereby appropriated for the purpose of meeting any liability in respect of any guarantee referred to in subclause (7) and any liability of the Government arising under any agreement referred to in subclause (8).

(10) The provisions of—

- 10 (a) clauses 10, 11, 12 and 13 apply to and in respect of the appointment of a receiver by reason of any default being made by an Authority in making any payment in respect of a loan to which this clause applies and to and in respect of a receiver appointed by virtue of the application of clause 10 by this subclause in the same way as those clauses apply to and in respect of the appointment of a receiver by reason of any default being made by the Authority in making any payment, whether of principal or interest, to the holder of any debenture, or coupon, issued, or stock inscribed, by the Authority and to and in respect of a receiver appointed under clause 10;
- 15
- 20 (b) clause 8 (1) apply to and in respect of a person advancing money to the Authority by way of a loan to which this clause applies in the same way as they apply to and in respect of a person advancing money to the Authority as referred to in clause 8 (1);
- 25 (c) clause 8 (2) apply to and in respect of a notification in the Gazette of the approval of the Governor having been given to a loan to which this clause applies in the same way as they apply to and in respect of a notification in the Gazette of the approval of the Governor having been given to a borrowing referred to in clause 8 (2);
- 30 (d) clause 9 apply to and in respect of a loan to which this clause applies as if the reference in that clause to other securities which are secured upon the income and revenue of the Authority included a reference to such a loan; and
- 35 (e) any other clause of this Schedule (being a clause that, in an agreement between the Authority and the lender with respect to a loan to which this clause applies, is specified as being a clause that applies to and in respect of the loan or as being a clause that, with such modifications or additions as are so specified, applies to and in respect of the loan) apply or apply with those modifications or additions, as the case may be, to and in respect of the loan.
- 40

*Transport Authorities.*SCHEDULE 6—*continued.*LOANS—*continued.*

6. (1) Any trustee, unless expressly forbidden by any instrument creating Trustees.  
the trust, may invest any trust money in his hands in stock inscribed by an  
5 Authority or in any debentures, bonds or other securities issued in accordance  
with this Act, and the investment shall be deemed to be a security  
authorised by the Trustee Act, 1925.

(2) Any debenture or bond issued, stock inscribed, or other security  
issued, in pursuance of this Act, shall be a lawful investment for any  
10 money which any company, council or body corporate, incorporated by  
any Act, is authorised or directed to invest in addition to any other investment  
authorised for the investment of that money.

(3) No notice of any express, implied or constructive trust shall  
be received by an Authority by any officer of the Authority in relation to  
15 any debenture or coupon issued or stock inscribed by the Authority.

7. (1) If any debenture or bond issued by an Authority is lost, destroyed Lost  
or defaced before it has been redeemed, the Authority may, subject to the debentures.  
provisions of this clause, issue a new debenture or bond in its place.

(2) A new debenture or bond, issued under subclause (1) with  
20 interest coupon annexed, shall bear the same date, number, principal sum  
and rate of interest as the lost, destroyed or defaced debenture or bond.

(3) Where a debenture or bond is lost or destroyed, a new debenture  
or bond shall not be issued unless—

(a) it has been established to the satisfaction of the Supreme Court  
25 that the debenture or bond has been lost or destroyed before  
redemption;

(b) such advertisements as the Court may direct have been published;

(c) 6 months have elapsed since the publication of the last of those  
advertisements; and

30 (d) sufficient security has been given to the relevant Authority to  
indemnify it against any double payment if the missing debenture  
or bond is at any time thereafter presented for redemption.

(4) Where a debenture or bond is defaced, a new debenture or bond  
shall not be issued unless and until the defaced debenture or bond is  
35 lodged with the relevant Authority for cancellation.

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*Transport Authorities.*

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SCHEDULE 6—*continued.*

LOANS—*continued.*

(5) The provisions of this clause shall apply to and in respect of a lost, destroyed or defaced coupon in the same way as they apply to and 5 in respect of a lost, destroyed or defaced debenture or bond.

(6) Notwithstanding any other provision of this clause, in the case of loss, theft, destruction, mutilation or defacement of any debenture or bond issued under clause 4, a duplicate or new debenture or bond may be issued upon proof to the satisfaction of the relevant Authority of the loss, theft 10 or destruction, or upon surrender of the mutilated or defaced debenture or bond, as the case may be, and upon the Authority receiving security or indemnity satisfactory to it against double payment if the missing debenture or bond is at any time thereafter presented for payment.

8. (1) A person advancing money to an Authority shall not be bound 15 to inquire into the application of the money advanced or be in any way responsible for its non-application or misapplication. Protection of investors.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by an Authority shall, in favour of a lender and of any holder of any security given by the Authority, be 20 conclusive evidence that all conditions precedent to the borrowing have been complied with and, where the approval notified is to a borrowing by the Authority in a place outside New South Wales and in a particular currency, shall also be conclusive evidence in favour of those persons of the approval of the Governor to the borrowing in the place and in the 25 currency specified in the notification.

9. All debentures, bonds, stock or other securities which are secured 30 upon the income and revenue of an Authority shall rank *pari passu* without any preference one above another by reason of priority of date or otherwise. Securities rank equally.

10. (1) If for 6 months default is made by an Authority in making any 30 payment, whether of principal or interest, to the holder of any debenture, or coupon, issued or stock inscribed by the Authority, the holder thereof may apply to the Supreme Court for the appointment of a receiver of the income of the Authority. Receivers.

(2) A receiver may be appointed in respect of the income of the 35 Authority either generally or as regards specified income.



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*Transport Authorities.*

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SCHEDULE 6—*continued.*

LOANS—*continued.*

- 5 (3) The Supreme Court may make such orders and give such directions as it may deem proper for and with respect to all or any of the following matters:—
- (a) the appointment of a receiver;
  - (b) the removal of a receiver;
  - (c) the appointment of a receiver in place of a receiver previously appointed.
- 10 (4) The receiver shall be deemed to be an officer of the Supreme Court, and shall act under its directions.
- 15 11. (1) A receiver shall have power to collect all income payable to the relevant Authority which he has by order of the Supreme Court been so authorised to collect and for the purposes of this subclause the receiver shall be deemed to be the Authority and may exercise all the powers of the Authority. Powers and duties of receivers.
- (2) The receiver shall discharge such duties of the Authority or of any officers of the Authority as may be prescribed.
- 20 12. The receiver shall be entitled to such commission or remuneration for his services as the Supreme Court may order, and the commission or remuneration shall be payable out of the income for and in respect of which he has been appointed receiver. Commission to receiver.
- 25 13. The receiver shall, subject to any order of the Supreme Court, pay and apply all money received by him in the following order, that is to say— Application of money received.
- (a) firstly, in payment of the costs, charges, and expenses of collection, and of his commission or remuneration;
  - (b) secondly, in the payment of the amount due and payable to the holder of the debenture or inscribed stock or coupon, as the case may be; and
  - 30 (c) thirdly, in payment of all the residue of the money to the relevant Authority.
-

*Transport Authorities.*

## SCHEDULE 7.

Sec. 86.

## REPEALS.

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
		Extent of repeal.
	1951, No. 11 ..	Sydney Harbour Transport Act, 1951. The whole Act.
	1952, No. 24 ..	Transport (Division of Functions) Further Amendment Act, 1952. Section 8.
10	1965, No. 33 ..	Decimal Currency Act, 1965 .. So much of the Second Schedule as related to Act No. 11, 1951.
15	1970, No. 52 ..	Supreme Court Act, 1970 .. So much of the Second Schedule as amended Act No. 11, 1951.
	1972, No. 41 ..	Supreme Court (Amendment) Act, 1972. Paragraph (al) of the Second Schedule.
20	1972, No. 53 ..	Public Transport Commission Act, 1972. The whole Act.
	1974, No. 32 ..	Public Transport Commission (Amendment) Act, 1974. The whole Act.
	1974, No. 81 ..	Public Transport Commission and Sydney Harbour Transport (Amendment) Act, 1974. The whole Act.
25	1975, No. 58 ..	Public Transport Commission (Amendment) Act, 1975. The whole Act.
	1976, No. 4 ..	Statutory and Other Offices Remuneration Act, 1975. So much of Schedule 5 as amended Act No. 53, 1972.
30	1976, No. 30 ..	Public Transport Commission (Amendment) Act, 1976. The whole Act.
	1977, No. 6 ..	Public Transport Commission (Amendment) Act, 1977. The whole Act.
35	1977, No. 19 ..	Notice of Action and Other Privileges Abolition Act, 1977. So much of Schedule 1 as amended Act. No. 11, 1951, and Act No. 53, 1972.
	1978, No. 117 ..	Public Transport Commission (Financial Accommodation) Amendment Act, 1978. The whole Act.
40	1979, No. 205 ..	Miscellaneous Acts (Planning) Repeal and Amendment Act, 1979. So much of Schedule 1 as relates to Act No. 53, 1972.

*Transport Authorities.*

## SCHEDULE 8.

Sec. 87.

## SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. In this Schedule, "Commission" means the Public Transport Commission. Interpretation.

5 2. (1) On the appointed day, the Commission is dissolved.

(2) A person who, immediately before the appointed day, held office as a commissioner of the Commission and who ceased to hold that office by reason of the operation of this Act, is not entitled to be paid any remuneration or compensation by reason of his so ceasing to hold that office. Dissolution of Public Transport Commission.

3. (1) On and from the appointed day—

15 (a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to the Commission shall vest in and belong to the State Rail Authority (in this subclause referred to as "the Authority");

Transfer of assets, etc., of Commission.

20 (b) all money and liquidated and unliquidated claims that, immediately before that day, was or were payable to or recoverable by the Commission shall be money and liquidated and unliquidated claims payable to or recoverable by the Authority;

25 (c) all proceedings pending immediately before that day at the suit of the Commission shall be deemed to be proceedings pending on that day at the suit of the Authority and all proceedings so pending at the suit of any person against the Commission shall be deemed to be proceedings pending at the suit of that person against the Authority;

30 (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the Commission and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Authority;

35 (e) the Authority may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this subclause and for the prosecution of proceedings so referred to as the Commission might have done but for the enactment of this Act;

*Transport Authorities.*

SCHEDULE 8—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- 5 (f) the Authority may enforce and realise any security or charge existing immediately before that day in favour of the Commission and may exercise any powers thereby conferred on the former Commission as if the security or charge were a security or charge in favour of the Authority;
- 10 (g) all debts, money and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Commission shall be debts due by, money payable by and claims recoverable against, the Authority; and
- 15 (h) all liquidated and unliquidated claims for which the Commission would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Authority shall be liable.

(2) Subject to this Act, any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of the Commission shall, to the extent that but for the enactment of this Act that act, matter or thing would on or after that day have had any force or effect or been in operation, 20 be deemed to have been done or omitted to be done by, to or in respect of the State Rail Authority.

(3) No attornment to the State Rail Authority by a lessee from the Commission shall be required.

25 4. (1) On and from the appointed day, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or a different kind, being a reference to, or a reference to be read or construed as a reference to, or deemed or taken to refer to the Commission, the Commissioner for Railways or the Commissioner for Government Transport shall be read and construed as 30 a reference to the State Rail Authority, except to the extent that the reference is made in relation to a function that is by or under this or any other Act conferred or imposed (otherwise than by a delegation) on the Urban Transit Authority.

Construction of certain references.

35 (2) On and from the appointed day, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or a different kind, being a reference to, or a reference to be read or construed as a reference to, or deemed or taken to refer to the Commission, the Commissioner for Railways or the Commissioner for Government Transport, in connection with any of the 40 functions referred to in section 34 or 35, shall be read and construed as a reference to the Urban Transit Authority.

*Transport Authorities.*SCHEDULE 8—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(3) On and from the appointed day, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or a different kind, being a reference to, or a reference to be read or construed as a reference to, or deemed or taken to refer to—

- 5
- (a) the Chief Commissioner, Deputy Chief Commissioner or any other commissioner of the Commission shall be read and construed as a reference to a member of the State Rail Authority appointed in that behalf by the Authority; or
- 10
- (b) the chairman or any other member of the Sydney Harbour Transport Board shall be read and construed as a reference to a member of the Urban Transit Authority appointed in that behalf by the Authority.
- 15

(4) Notwithstanding the foregoing subclauses of this clause, on and from the appointed day, the references in section 270D (2) (d) of the Local Government Act, 1919, to the Public Transport Commission of New South Wales, a commissioner of that Commission nominated by that Commission and an officer of that Commission so nominated shall be read and construed as references to the Urban Transit Authority, a member of that Authority nominated by that Authority and a member of that Authority so nominated, respectively.

20

(5) Without affecting subclause (4), the amendment made by section 33 of the Public Transport Commission Act, 1972, to the Local Government Act, 1919, continues to have the same force and effect as if that section had not been repealed by this Act.

25

5. (1) The balances (as at 30th June, 1980) of—

- (a) the Government Railways Fund;
- 30 (b) the Government Railways Renewals Fund; and
- (c) all other funds and accounts kept at the Treasury in relation to the Commission, other than—
- (i) the funds and account to be paid into the Urban Transit Authority Fund pursuant to subclause (2); and
- 35 (ii) the Government Railways Superannuation Account and any other fund or account established for or in connection with a scheme, fund or arrangement under which any superannuation or retirement benefits are provided,

shall be paid into the State Rail Authority Fund.

Funds and  
accounts.

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*Transport Authorities.*

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SCHEDULE 8—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(2) The balances (as at 30th June, 1980) of—

- (a) the Metropolitan Transport Trust General Fund;
- 5 (b) the Newcastle and District Transport Trust General Fund; and
- (c) the Public Transport Commission of New South Wales Ferry Services Account within the Special Deposits Account at the Treasury,

shall be paid into the Urban Transit Authority Fund.

10 (3) Where, but for this Act, any amounts would be payable, pursuant to any Act, to or in respect of the Commission by the Treasurer in respect of the period commencing on 1st July, 1980, and ending on 30th September, 1980, both dates inclusive, those amounts shall be payable into the Funds in such proportions as the Treasurer determines, as if that Act authorised 15 those payments.

(4) Any amount paid under subclause (3) pursuant to the Audit Act, 1902, as a contribution to meet losses shall be deemed to be received by way of revenue supplement, as referred to in section 66.

6. (1) For the purpose of determining what assets, debts and liabilities 20 of the Commission should be those of the respective Authorities, there shall, on and from the appointed day, be—

Constitu-  
tion of  
Joint  
Committees.

- (a) a Technical Joint Committee; and
- (b) a Finance Joint Committee,

25 which shall have and may exercise the functions conferred or imposed on them respectively by this Schedule.

(2) The Technical Joint Committee shall consist of—

- (a) a chairman, being a person appointed by the State Rail Authority to represent it for the time being; and
- 30 (b) 2 other persons, one each appointed by each of the other Corporations to represent it for the time being.

(3) The Finance Joint Committee shall consist of—

- (a) a chairman, being the Auditor-General or a person appointed by him to act on his behalf for the time being;

*Transport Authorities.*SCHEDULE 8—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (b) the Under Secretary of the Treasury or a person appointed by him to act on his behalf for the time being; and
- 5 (c) 2 other persons, one each appointed by each Authority to represent it for the time being.
- (4) The chairman of a Joint Committee shall preside at all meetings of the Committee.
7. (1) The functions of the Technical Joint Committee are—
- 10 (a) to determine what assets, being equipment, land and works of the Commission, are to be assets of the Authorities respectively; and
- 15 (b) to determine what records (including books, documents and papers), being records held by the Commission and relating to the equipment, land and works of the Commission, are to be records of the Authorities respectively.
- (2) Where a determination has been made under this clause, a record thereof shall be filed in the office of each Authority, and a copy transmitted to the Minister for record purposes.
- 20 (3) A determination made under subclause (1) shall be given effect to by the Authorities.
- (4) In the event of a difference between the members of the Technical Joint Committee, the difference shall be determined in such manner as the Minister determines.
- 25 8. (1) The functions of the Finance Joint Committee (in addition to its functions under clause 11) are—
- (a) to determine what assets of the Commission, not being assets referred to in clause 7 (1) (a), are to be assets of the Authorities respectively;
- 30 (b) to determine (by apportionment or otherwise) what debts and liabilities of the Commission are to be debts and liabilities of the Authorities respectively;
- 35 (c) to determine what records (including books, documents and papers) of the Commission, not being records referred to in clause 7 (1) (b), are to be records of the Authorities respectively; and

Functions  
of  
Technical  
Joint  
Committee.

Functions  
of  
Finance  
Joint  
Committee.

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*Transport Authorities.*

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SCHEDULE 8—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

5 (d) to determine how the expense of meeting payments on account of the leave entitlements or on the retirement or death or other termination of the employment of an officer or employee of the Commission transferred to the service of an Authority by or under this Act should be apportioned between the Authorities.

(2) Where a determination has been made under this clause, a record thereof shall be filed in the office of each Authority, and a copy 10 transmitted to the Minister for record purposes.

(3) A determination made under subclause (1) (a), (b) or (c) shall be given effect to by the Authorities.

(4) A determination made under subclause (1) (d) shall be given effect to by the Authorities, subject to and in accordance with any directions 15 given by the Minister from time to time.

(5) Questions arising at any meeting of the Finance Joint Committee shall be determined by a majority of votes of the members.

(6) In the event of an equality of votes at any meeting of the Finance Joint Committee, the chairman shall have, in addition to a deliberative 20 vote, a second or casting vote.

9. (1) Each Joint Committee established by this Schedule shall complete the exercise of its functions within 6 months after the appointed day or such longer period as the Governor may approve in relation to the Committee. Completion of Joint Committees' duties.

25 (2) The Governor may, if he is satisfied that a Joint Committee has completed the exercise of its functions, dissolve the Committee.

10. (1) Without affecting anything in clause 7 or 8, the Governor may, by proclamation published in the Gazette, declare that any assets, debts or liabilities referred to in either of those clauses and specified or referred 30 to in the proclamation belong to the Urban Transit Authority. Vesting of certain assets, etc., in Urban Transit Authority.

(2) A proclamation may be published under subclause (1) in respect only of assets, debts and liabilities that are determined under clause 7 or 8 to be those of the Urban Transit Authority.



*Transport Authorities.*SCHEDULE 8—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (3) The provisions of clause 3 (3)—(5) apply to and in respect of the assets, debts or liabilities to which a proclamation under subclause 5 (1) relates in the same way as they apply to and in respect of the things therein referred to, and so apply as if references to—
- (a) the appointed day were references to the date of publication in the Gazette of the proclamation or a later date specified in the proclamation;
  - 10 (b) the State Rail Authority were references to the Urban Transit Authority; and
  - (c) the Public Transport Commission were references to the State Rail Authority.
11. (1) The Finance Joint Committee shall, within 6 months after the appointed day or such longer period as the Governor may approve, prepare and present to the Governor a report setting out what it considers to be the capital value of the assets, debts and liabilities of the Commission which have, under clauses 7 and 8, been determined to be assets, debts and liabilities of each Authority. Capital value of assets of Commission.
- 20 (2) The net capital value of the assets, debts and liabilities of an Authority, being assets, debts and liabilities of the Authority as referred to in subclause (1), shall, as on and from the appointed day, be such amount as the Governor specifies by proclamation published in the Gazette.
12. (1) For the purposes of enabling the members of a Corporation to take office on or after, but not before, the appointed day, and for any incidental purpose (including the holding of elections), this Act shall be deemed to have commenced on the date of assent to this Act. Elections.
- (2) For the purposes of any election held under this Act before the appointed day, the definition of “eligible person” in clause 1 of Schedule 1 shall be deemed to be omitted, and a reference in that clause to an eligible person shall be construed in accordance with the regulations.
13. (1) Subject to subclause (2), all officers of the Commission shall, on the appointed day, become and be officers of the State Rail Authority. Staff of the Commission.
- (2) If the Minister so directs before the appointed day, an officer referred to in subclause (1) and specified or referred to in the direction shall, on that day, become and be an officer of the Urban Transit Authority.
- 35

*Transport Authorities.*SCHEDULE 8—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

14. In relation to the accounts of the Commission for the 12 months ending on 30th June, 1980—
- 5** (a) the accounts shall be audited by the Auditor-General in the same way as if this Act had not been enacted;
- (b) the Auditor-General shall have and may exercise any functions that he would have had but for the enactment of this Act; and
- 10** (c) the Auditor-General shall have and may exercise, in relation to members and officers of the Corporations, any functions that he could have exercised in relation to members and officers of the Commission but for the enactment of this Act.
- 15** 15. The fares, tolls or charges applicable immediately before the appointed day in respect of rail, omnibus or ferry services provided by the Commission shall be deemed to have been determined in respect of the same services by orders made under section 71.
- 20** 16. (1) As soon as practicable after 30th June, 1980, but on or before 31st December, 1980, the State Rail Authority shall prepare and submit to the Minister a report of the work and activities of the Commission for the 12 months ending on 30th June, 1980.
- (2) The Minister shall lay the report or cause it to be laid before both Houses of Parliament as soon as practicable after the receipt by him of the report.
- 25** (3) The report under subclause (1) shall include any report referred to in section 31 (3) of the Public Transport Commission Act, 1972, in respect of the 12 months ending on 30th June, 1980.
- (4) The report referred to in subclause (1) shall be prepared by the State Rail Authority from such information as is available to it.
- 30** 17. Any regulations in force under the Public Transport Commission Act, 1972, immediately before the appointed day shall, to the extent that they could have been made on or after that day, be deemed to have been made under this Act.

Audit  
of Commis-  
sion's  
accounts.Annual  
report of  
Commission.Regulations  
under the  
Public  
Transport  
Commission  
Act, 1972.

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*Transport Authorities.*

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SCHEDULE 8—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

18. (1) The Governor may make regulations containing other provisions Regulations.  
of a savings or transitional nature consequent on the enactment of this  
5 Act.

(2) A provision made under subclause (1) may take effect as from  
the appointed day or a later day.

(3) To the extent to which a provision referred to in subclause (1)  
takes effect from a date that is earlier than the date of its publication in the  
10 Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the  
State or an authority of the State), the rights of that person  
existing before the date of its publication therein; or
- 15 (b) to impose liabilities on any person (other than the State or an  
authority of the State) in respect of anything done or omitted to  
be done before the date of its publication therein.

(4) A provision made under subclause (1) shall, if the regulations  
under this clause so provide, have effect notwithstanding any other clause  
of this Schedule.

20 (5) Notwithstanding subclause (4), the regulations under this  
clause may not be inconsistent with clause 2.

Transitional Provisions

SCHEDULE 2 - continued

TRANSITIONAL AND OTHER PROVISIONS - continued

18. (1) The Government may make regulations containing transitional provisions of a savings or transitional nature in respect of the operation of this

(2) A provision made under subsection (1) may have effect as if it were made on a later day.

(3) To the extent to which a provision made under subsection (1) has effect from a date that is earlier than the date of its publication in the Gazette, the provision does not have effect as if it were made on that date.

(4) To the extent to which a provision made under subsection (1) has effect from a date that is later than the date of its publication in the Gazette, the provision does not have effect as if it were made on that date.

(5) A provision made under subsection (1) may have effect as if it were made on a date that is earlier than the date of its publication in the Gazette, notwithstanding that the provision is made after that date.

(6) A provision made under subsection (1) may have effect as if it were made on a date that is later than the date of its publication in the Gazette, notwithstanding that the provision is made before that date.

(7) A provision made under subsection (1) may have effect as if it were made on a date that is earlier than the date of its publication in the Gazette, notwithstanding that the provision is made after that date.

**TRANSPORT AUTHORITIES ACT, 1980, No. 103**

**New South Wales**



ANNO VICESIMO NONO

**ELIZABETHÆ II REGINÆ**

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**Act No. 103, 1980.**

An Act to constitute the State Rail Authority of New South Wales, the Urban Transit Authority of New South Wales and the Railway Workshops Board of New South Wales and to make provision in relation to their respective functions; to dissolve the Public Transport Commission of New South Wales; to

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See also Transport Appeal Boards Act, 1980; Government Railways (Amendment) Act, 1980; Transport (Amendment) Act, 1980; Statutory and Other Offices Remuneration (Transport Authorities) Amendment Act, 1980; Audit (Transport Authorities) Amendment Act, 1980; Capital Debt Charges (Transport Authorities) Amendment Act, 1980.

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*Transport Authorities.*


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repeal the Public Transport Commission Act, 1972, the Sydney Harbour Transport Act, 1951, and certain other enactments; and for other purposes. [Assented to, 1st May, 1980.]

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

**Short title.**     **1.** This Act may be cited as the "Transport Authorities Act, 1980".

**Commence-  
ment.**         **2.** (1) This section and sections 1 and 87 and Schedule 8 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on 1st July, 1980.

**Arrange-  
ment.**         **3.** This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1-4.

PART II.—CONSTITUTION AND FUNCTIONS OF THE STATE  
RAIL AUTHORITY—ss. 5-26.

DIVISION 1.—*Constitution of the State Rail Authority*—  
ss. 5-10.

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*Transport Authorities.*

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DIVISION 2.—*Functions of the State Rail Authority—ss. 11–16.*

DIVISION 3.—*Chief Executive and Deputies—ss. 17, 18.*

DIVISION 4.—*The Railway Workshops Board—ss. 19–26.*

PART III.—CONSTITUTION AND FUNCTIONS OF THE URBAN TRANSIT AUTHORITY—ss. 27–46.

DIVISION 1.—*Constitution of the Urban Transit Authority—ss. 27–32.*

DIVISION 2.—*Functions of the Urban Transit Authority—ss. 33–44.*

DIVISION 3.—*Managing Director—ss. 45, 46.*

PART IV.—STAFF—ss. 47–55.

PART V.—FINANCE—ss. 56–71.

PART VI.—MISCELLANEOUS—ss. 72–87.

SCHEDULE 1.—CONSTITUTION AND PROCEDURE OF THE CORPORATIONS.

SCHEDULE 2.—THE EXECUTIVE OFFICERS.

SCHEDULE 3.—RAILWAY WORKSHOPS.

SCHEDULE 4.—STAFF LEAVE ENTITLEMENTS.

SCHEDULE 5.—STAFF COMPENSATION ENTITLEMENTS.

SCHEDULE 6.—LOANS.

SCHEDULE 7.—REPEALS.

SCHEDULE 8.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

4. (1) In this Act, except in so far as the context or Interpre- subject-matter otherwise indicates or requires—tation.

“appointed day” means 1st July, 1980;

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*Transport Authorities.*

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“Authority” means the State Rail Authority or the Urban Transit Authority;

“Corporation” means the State Rail Authority, the Urban Transit Authority or the Railway Workshops Board;

“functions” includes powers, authorities and duties;

“Fund” means the State Rail Authority Fund or the Urban Transit Authority Fund established under Part V;

“officer”, in relation to an Authority, the Department of Motor Transport or the Public Transport Commission, includes an employee of the Authority, Department or Commission;

“Public Transport Commission” means the Public Transport Commission of New South Wales constituted under the Public Transport Commission Act, 1972;

“Railway Workshops Board” means the Railway Workshops Board of New South Wales constituted by this Act;

“regulation” means a regulation made under this Act;

“State Rail Authority” means the State Rail Authority of New South Wales constituted by this Act;

“statutory body” means any body declared under subsection (2) to be a statutory body for the purposes of this Act;

“Transport Appeal Board” means a Transport Appeal Board constituted under the Transport Appeal Boards Act, 1980;

“Transport District” means—

- (a) the Metropolitan Transport District, the Newcastle and District Transport District or the Wollongong Transport District established by or under the Transport Act, 1930; or
- (b) any other district established by or under that Act and prescribed for the purposes of this definition as a district to which this definition applies;

“urban passenger services” means—

- (a) omnibus and ferry services provided for the conveyance of passengers by the Urban Transit Authority;



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*Transport Authorities.*

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- (b) rail and other services provided for the conveyance of passengers within, between or in connection with the prescribed parts of the State rail system;
- (c) services provided for the conveyance of passengers by the running of privately owned omnibuses, taxi-cabs or private hire cars within the Transport Districts, otherwise than in connection with tourist or charter operations; and
- (d) ferry services provided for the conveyance of passengers by the running of privately owned ferries in accordance with the State Transport (Co-ordination) Act, 1931, in the Port of Sydney and in such other places as are referred to in proclamations in force under section 3A of that Act and as are prescribed for the purposes of this paragraph;

“Urban Transit Authority” means the Urban Transit Authority of New South Wales constituted by this Act.

(2) The Governor may, by proclamation published in the *Gazette*, declare any body constituted by or under any Act to be a statutory body for the purposes of the definition of “statutory body” in subsection (1).

(3) A reference in this Act to the exercise of a function includes, where that function is a duty, the performance of that duty.

(4) A reference in this Act to a Transport District shall, where the boundaries of the District are altered, be read and construed as a reference to the District with those altered boundaries.

(5) A reference in this Act to the relevant Fund is—

- (a) in relation to the State Rail Authority—a reference to the State Rail Authority Fund; and

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*Transport Authorities.*


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- (b) in relation to the Urban Transit Authority—a reference to the Urban Transit Authority Fund.

(6) In a Schedule to this Act, a reference to a subclause is, unless a contrary intention appears, a reference to a subclause of the clause in which the reference occurs.

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PART II.

CONSTITUTION AND FUNCTIONS OF THE STATE RAIL AUTHORITY.

DIVISION 1.—*Constitution of the State Rail Authority.*

Consti-  
tution  
of the  
State Rail  
Authority.

5. (1) There is hereby constituted a corporation under the corporate name of the “State Rail Authority of New South Wales”.

(2) The State Rail Authority shall consist of 7 members, of whom—

- (a) 4 shall be ex officio members; and  
(b) 3 shall be appointed members.

(3) The ex officio members are—

- (a) the Chief Executive of the State Rail Authority;  
(b) the 2 Deputy Chief Executives of the State Rail Authority; and  
(c) the Managing Director of the Urban Transit Authority.

(4) The appointed members shall be appointed by the Minister, and of them—

- (a) 1 shall be appointed as the Chairman of the State Rail Authority;  
(b) 1 shall be a person elected as a member in the manner prescribed by the regulations; and

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*Transport Authorities.*

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(c) 1 shall be appointed from a panel of not less than 3 persons nominated by the Labor Council of New South Wales.

(5) Schedule 1 has effect with respect to the constitution and procedure of the State Rail Authority.

6. On the occurrence of a vacancy in the office of an appointed member of the State Rail Authority, the office shall be filled so that the Authority is constituted in accordance with section 5. Filling of vacancies.

7. (1) A person may be, at the same time, both the elected member of the State Rail Authority and an officer of an Authority. Elected member.

(2) If the elected member of the State Rail Authority is an officer of the Authority, nothing in any law, rule, direction or other requirement that—

(a) is applicable to him in his capacity as such an officer; and

(b) would not be so applicable if he were not such an officer, operates so as to prevent or restrict the exercise by him of any of his functions as elected member.

8. (1) The number of members which shall constitute a quorum at any meeting of the State Rail Authority is 4, of whom 2 must be ex officio members. Quorum.

(2) Any duly convened meeting of the State Rail Authority at which a quorum is present is competent to transact any business of the Authority.

9. (1) The Chairman of the State Rail Authority shall preside at all meetings of the Authority at which he is present. Presiding member.

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*Transport Authorities.*


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(2) If the Chairman of the State Rail Authority is not present at a meeting of the Authority, the Chief Executive of the Authority shall preside at the meeting if he is present.

(3) If both the Chairman and the Chief Executive of the State Rail Authority are not present at a meeting of the Authority, a member of the Authority elected by the members present from among themselves shall preside at that meeting.

Common  
seal.

**10.** The common seal of the State Rail Authority shall be kept in the custody of the Chief Executive of the Authority and shall only be affixed to any instrument or document in the presence of an officer of the Authority authorised in that behalf by the Authority with an attestation by the signature of that officer of the fact of the affixing of the seal.

DIVISION 2.—*Functions of the State Rail Authority.*

Functions  
generally.

**11.** The State Rail Authority—

- (a) shall have and may exercise the functions conferred or imposed on it by or under this Act, the Government Railways Act, 1912, or any other Act;
- (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and
- (c) shall, in the exercise of its functions (except in relation to the contents of a report or recommendation made by it to the Minister), be subject to the control and direction of the Minister.

Exercise  
of certain  
functions  
of Public  
Transport  
Commission.

**12.** (1) Subject to this Act, the State Rail Authority shall have and may exercise the functions that, immediately before the appointed day, were exercisable by the Public Transport Commission, except to the extent that those functions are by or under this or any other Act conferred or imposed (otherwise than by a delegation) on the Urban Transit Authority.

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*Transport Authorities.*

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(2) Subsection (1) does not apply to the ferry services operated by the Public Transport Commission.

**13.** The State Rail Authority may carry out such research and planning, and may engage such consultants, as appear to it to be necessary or desirable in connection with its functions. <sup>Research and planning.</sup>

**14.** (1) The State Rail Authority may make and enter into contracts or arrangements with any person for the carrying out of works or the performance of services or the supply of goods or materials in connection with the exercise by the Authority of its functions. <sup>Contracts.</sup>

(2) A contract or arrangement under subsection (1) may provide for—

- (a) the whole or any part of any works to be undertaken by the Authority;
- (b) the whole or any part of the cost of any works to be paid by the Authority;
- (c) a loan to be made by the Authority to meet the whole or any part of the cost of any works; or
- (d) the Authority to pay the whole or any part of the costs of providing any services during a specified period.

(3) A contract under this section shall be deemed for the purposes of the Constitution Act, 1902, to be a contract for or on account of the Public Service of New South Wales.

**15.** (1) The State Rail Authority may, by resolution, delegate to— <sup>Delegation.</sup>

- (a) a member or officer of the Authority;
- (b) the Urban Transit Authority or a member or officer of the Urban Transit Authority; or

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*Transport Authorities.*

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(c) the Railway Workshops Board,

the exercise of such of the functions (other than this power of delegation) conferred or imposed on the Authority by or under this or any other Act as may be specified in the resolution and may in like manner revoke wholly or in part any such delegation.

(2) A function, the exercise of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise of any of the functions delegated, or as to time or circumstances.

(4) Notwithstanding any delegation made under this section, the State Rail Authority may continue to exercise all or any of the functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered by the State Rail Authority and shall be deemed to have been done or suffered by the Authority.

(6) An instrument purporting to be signed by or on behalf of a delegate of the State Rail Authority in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Authority under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Authority under this section.

(7) The State Rail Authority may not delegate its functions in relation to the discipline of its officers except with the approval of the Minister.

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*Transport Authorities.*

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**16.** (1) For the purpose of exercising its functions, the State Rail Authority may, with the approval of the Minister and of the Minister of the Department concerned and on such terms as may be arranged, make use of the facilities, or the services of any of the officers or employees, of any Government Department. Use of facilities and staff.

(2) The State Rail Authority may for the like purpose, with the approval of the Minister and of any other body constituted by or under an Act and on such terms as may be arranged, make use of the facilities, or the services of any of the officers, servants or employees, of that body.

*DIVISION 3.—Chief Executive and Deputies.*

**17.** (1) The Governor may appoint a Chief Executive of the State Rail Authority. Executive officers.

(2) The Governor may appoint 2 Deputy Chief Executives of the State Rail Authority, 1 of whom shall be appointed as Deputy Chief Executive (Industrial Relations).

(3) Schedule 2 has effect with respect to the officers referred to in this section.

**18.** (1) The Chief Executive of the State Rail Authority— Functions of executive officers.

- (a) is subject to the control and direction of the State Rail Authority;
- (b) is responsible, as the chief executive of the Authority, for the management of the affairs of the Authority subject to and in accordance with any directions given to him by the Authority;
- (c) subject to any limitations or restrictions specified in regulations made for the purposes of this paragraph, shall have and may exercise such of the Authority's functions under this or any other Act as may be so specified;

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*Transport Authorities.*


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- (d) shall have and may, subject to and in accordance with section 15, exercise any functions delegated to him under that section; and
- (e) shall have and may exercise such other functions as are conferred or imposed on him by or under this or any other Act.

(2) A Deputy Chief Executive of the State Rail Authority—

- (a) has, subject to any relevant directions given by the Authority, such responsibilities in connection with the affairs of the Authority as the Chief Executive of the Authority from time to time determines;
- (b) subject to any limitations or restrictions specified in regulations made for the purposes of this paragraph, shall have and may exercise such of the Authority's functions under this or any other Act as may be so specified;
- (c) shall have and may, subject to and in accordance with section 15, exercise any functions delegated to him under that section; and
- (d) shall have and may exercise such other functions as are conferred or imposed on him by or under this or any other Act.

(3) Nothing in this section limits or restricts the exercise by the State Rail Authority of any of its functions.

DIVISION 4.—*The Railway Workshops Board.*

Constitution of the Railway Workshops Board.

**19.** (1) There is hereby constituted a corporation under the corporate name of the "Railway Workshops Board of New South Wales".

(2) The Railway Workshops Board shall consist of 6 members, of whom—

- (a) 3 shall be ex officio members; and



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*Transport Authorities.*

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(b) 3 shall be appointed members.

(3) The ex officio members are—

- (a) the Chief Executive of the State Rail Authority, who shall be Chairman of the Railway Workshops Board;
- (b) the Deputy Chief Executive (Industrial Relations) of the State Rail Authority; and
- (c) the General Manager, Workshops, or the holder of such other office in the staff establishment of the State Rail Authority as is for the time being approved by the Minister.

(4) The appointed members shall be appointed by the Minister, and of them—

- (a) 1 shall be appointed to be a representative of the private sector;
- (b) 1 shall be a person elected as a member in the manner prescribed by the regulations; and
- (c) 1 shall be appointed from a panel of not less than 3 persons nominated by the Labor Council of New South Wales.

(5) Schedule 1 has effect with respect to the constitution and procedure of the Railway Workshops Board.

**20.** On the occurrence of a vacancy in the office of an appointed member of the Railway Workshops Board, the office shall be filled so that the Board is constituted in accordance with section 19. <sup>Filling of vacancies.</sup>

**21.** (1) A person may be, at the same time, both the elected member of the Railway Workshops Board and an officer of the State Rail Authority. <sup>Elected member.</sup>

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*Transport Authorities.*

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(2) If the elected member of the Railway Workshops Board is an officer of the State Rail Authority, nothing in any law, rule, direction or other requirement that—

(a) is applicable to him in his capacity as such an officer; and

(b) would not be so applicable if he were not such an officer, operates so as to prevent or restrict the exercise by him of any of his functions as elected member.

Quorum.

**22.** (1) The number of members which shall constitute a quorum at any meeting of the Railway Workshops Board is 3, of whom 2 must be ex officio members.

(2) Any duly convened meeting of the Railway Workshops Board at which a quorum is present is competent to transact any business of the Board.

Presiding member.

**23.** (1) The Chairman of the Railway Workshops Board shall preside at all meetings of the Board at which he is present.

(2) If the Chairman of the Railway Workshops Board is not present at a meeting of the Board, the Deputy Chief Executive (Industrial Relations) of the State Rail Authority shall preside at the meeting if he is present.

(3) If both the Chairman and Deputy Chief Executive referred to in subsection (2) are not present at a meeting of the Railway Workshops Board, a member of the Board elected by the members present from among themselves shall preside at that meeting.

Common seal.

**24.** The common seal of the Railway Workshops Board shall be kept in the custody of the Chief Executive of the State Rail Authority and shall only be affixed to any instrument or document in the presence of an officer of the Authority authorised in that behalf by the Board with an attestation by the signature of that officer of the fact of the affixing of the seal.

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*Transport Authorities.*

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**25.** (1) The Railway Workshops Board—

Functions generally.

- (a) shall have and may exercise the functions conferred or imposed on it by or under this or any other Act;
- (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and
- (c) shall, in the exercise of its functions (except in relation to the contents of a report or recommendation made by it to the State Rail Authority), be subject to the control and direction of the State Rail Authority.

(2) The Railway Workshops Board may not purchase, take on lease or acquire any property except with the approval of the State Rail Authority.

**26.** (1) Without affecting the generality of any other provision of this Act, the Railway Workshops Board shall have and may exercise any function delegated to it by the State Rail Authority under this Act. Functions pursuant to delegation or regulations.

(2) The Railway Workshops Board may only exercise the functions referred to in subsection (1) in or in connection with the establishments referred to in Schedule 3.

(3) The Governor may, by regulation, amend Schedule 3 or omit that Schedule and insert a new Schedule 3.

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*Transport Authorities.*


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## PART III.

 CONSTITUTION AND FUNCTIONS OF THE URBAN TRANSIT  
 AUTHORITY.

 DIVISION 1.—*Constitution of the Urban Transit Authority.*

Constitu-  
tion of  
the Urban  
Transit  
Authority.

**27.** (1) There is hereby constituted a corporation under the corporate name of the “Urban Transit Authority of New South Wales”.

(2) The Urban Transit Authority shall consist of 10 members, of whom—

- (a) 4 shall be ex officio members; and
- (b) 6 shall be appointed members.

(3) The ex officio members are—

- (a) the Managing Director of the Urban Transit Authority;
- (b) the Commissioner for Motor Transport;
- (c) the Deputy Chief Executive (Industrial Relations) of the State Rail Authority; and
- (d) the General Manager, Operations, of the State Rail Authority or the holder of such other office in the staff establishment of the Authority as is for the time being approved by the Minister.

(4) The appointed members shall be appointed by the Minister, and of them—

- (a) 1 shall be appointed as the Chairman of the Urban Transit Authority;
- (b) 1 shall be appointed to be a representative of commuters;
- (c) 1 shall be appointed to be a representative of omnibus proprietors;
- (d) 1 shall be appointed to be a representative of taxi-cab proprietors;

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*Transport Authorities.*

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- (e) 1 shall be a person elected as a member in the manner prescribed by the regulations; and
- (f) 1 shall be appointed from a panel of not less than 3 persons nominated by the Labor Council of New South Wales.

(5) Schedule 1 has effect with respect to the constitution and procedure of the Urban Transit Authority.

**28.** On the occurrence of a vacancy in the office of an appointed member of the Urban Transit Authority, the office shall be filled so that the Authority is constituted in accordance with section 27. Filling or vacancies.

**29.** (1) A person may be, at the same time, both the elected member and an officer of the Urban Transit Authority. Elected member.

(2) If the elected member of the Urban Transit Authority is an officer of the Authority, nothing in any law, rule, direction or other requirement that—

(a) is applicable to him in his capacity as such an officer; and

(b) would not be so applicable if he were not such an officer, operates so as to prevent or restrict the exercise by him of any of his functions as elected member.

**30.** (1) The number of members which shall constitute a quorum at any meeting of the Urban Transit Authority is 5, of whom 2 must be ex officio members. Quorum.

(2) Any duly convened meeting of the Urban Transit Authority at which a quorum is present is competent to transact any business of the Authority.

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*Transport Authorities.*

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Presiding  
member.

**31.** (1) The Chairman of the Urban Transit Authority shall preside at all meetings of the Authority at which he is present.

(2) If the Chairman of the Urban Transit Authority is not present at a meeting of the Authority, the Managing Director of the Authority shall preside at the meeting if he is present.

(3) If both the Chairman and the Managing Director of the State Rail Authority are not present at a meeting of the Authority, a member of the Authority elected by the members present from among themselves shall preside at that meeting.

Common  
seal.

**32.** The common seal of the Urban Transit Authority shall be kept in the custody of the Managing Director of the Authority and shall only be affixed to any instrument or document in the presence of an officer of the Authority authorised in that behalf by the Authority with an attestation by the signature of that officer of the fact of the affixing of the seal.

DIVISION 2.—*Functions of the Urban Transit Authority.*

Functions  
generally.

**33.** (1) The Urban Transit Authority—

- (a) shall have and may exercise the functions conferred or imposed on it by or under this Act, the Transport Act, 1930, or any other Act;
- (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and
- (c) shall, in the exercise of its functions (except in relation to the contents of a report or recommendation made by it to the Minister), be subject to the control and direction of the Minister.

(2) The Urban Transit Authority shall have and may exercise such functions exercisable by the Public Transport Commission (in addition to those provided for by this Division) immediately before the appointed day as are prescribed for the purposes of this subsection.

(3) Nothing in this Act affects the operation of section 6A of the Transport Act, 1930.

*Transport Authorities.*

**34.** (1) The Urban Transit Authority shall have and may exercise such of the functions as, immediately before the appointed day, were exercisable by the Public Transport Commission in respect of omnibus services pursuant to the Transport Act, 1930. Omnibus services.

(2) The Urban Transit Authority shall have and may exercise the functions referred to in subsection (1) in and in connection with the Transport Districts.

**35.** (1) The Urban Transit Authority shall, subject to this Act, take all such steps as it may deem necessary to provide for the continued operation of the ferry services which, immediately before the appointed day, were carried on by the Public Transport Commission. Ferry services. cf. 1951 No. 11, s. 6 (1) (4A).

(2) The Urban Transit Authority may, from time to time— cf. 1951 No. 11, s. 6 (5) (a) (a1) (b).

- (a) establish any new ferry service; or
- (b) operate, extend, alter or discontinue any of the ferry services referred to in subsection (1) or in paragraph (a).

(3) Without limiting any other functions conferred or imposed on it, the Urban Transit Authority may— cf. 1951 No. 11, ss. 6 (5) (c)-(e), 7 (1A).

- (a) conduct any business arising out of or ancillary to the conduct and operation of the ferry services and construct any works or property, real or personal, and maintain and operate them for the purpose of conducting any such business;
- (b) acquire any land or interest in land and erect or adapt any buildings or installations thereon which may be necessary or convenient for or in connection with the conduct or operation of any of the ferry services or any such business;

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*Transport Authorities.*


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- (c) acquire either absolutely or on lease any vessels, wharves, plant, machinery or equipment which may be necessary or convenient for or in connection with the conduct or operation of any of the ferry services or of any such business and dispose of them when, in the Authority's opinion, they are no longer required for those purposes;
- (d) enter into an arrangement with any person for the management and operation by that person, upon such terms as may be agreed upon, of any of the Authority's ferry services; and
- (e) make and enter (under section 42) into contracts or arrangements with any person for or with respect to—
  - (i) the use of; or
  - (ii) the supply or performance by the Authority of any work or service involving,
    - any vessel, wharf, dock, plant, machinery or equipment vested in or operated by the Authority in connection with its ferry services.

Ferry charges.  
cf. 1930  
No. 18,  
s. 60.

**36.** (1) The Urban Transit Authority may carry and convey by its ferry services all such passengers as are offered for that purpose, and may demand reasonable charges in respect of and in connection with its ferry services.

(2) All such charges shall be those from time to time determined by relevant orders in force under section 71.

(3) The charges shall be paid to such persons and at such places upon or near to the ferry service and in such manner as the Urban Transit Authority appoints or as may be prescribed.

Functions respecting urban passenger services.

**37.** (1) The Urban Transit Authority shall, in association (where relevant) with the State Rail Authority and the Commissioner for Motor Transport, take all such steps (by the exercise of its functions conferred or imposed apart from this section) as are, within the available financial resources, necessary to promote the provision of efficient, adequate and economic urban passenger services.



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*Transport Authorities.*

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(2) Without affecting the generality of subsection (1), the functions of the Urban Transit Authority include, in relation to urban passenger services, the taking of all necessary steps (by the exercise of its functions conferred or imposed apart from this section) to promote—

- (a) the proper running of, and improvements in, urban passenger services;
- (b) the co-ordination of urban passenger services and the mitigation of wasteful competition and overlapping in service;
- (c) in the interests of more efficient and more economical urban passenger services—
  - (i) the substitution of one form of transport for another, whether on a permanent, temporary, regular or intermittent basis; and
  - (ii) major route variations, including the introduction of new routes and the abolition of existing routes; and
- (d) proper fare structures for urban passenger services, including (where appropriate) systems for zone fares and one-ticket systems.

(3) Nothing in this section derogates from the responsibilities of the State Rail Authority in connection with the provision of rail services within the State, but the State Rail Authority shall, on a regular basis, consult with the Urban Transit Authority in connection with the provision and operation of rail services within or between the parts of the State rail system referred to in paragraph (b) of the definition of “urban passenger services” in section 4 (1).

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*Transport Authorities.*

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Directions  
to  
Commis-  
sioner for  
Motor  
Transport.

**38.** (1) So far as the functions of the Urban Transit Authority relate to services provided by the running of privately owned omnibuses, taxi-cabs, private hire cars or ferries, the Urban Transit Authority—

- (a) shall be concerned only with matters that are of a general policy nature involving major issues of principle; and
- (b) may exercise those functions by giving directions to the Commissioner for Motor Transport as to the exercise by him of the functions conferred or imposed on him by or under any Act.

(2) The Urban Transit Authority may only give directions under this section that are of a general policy nature involving major issues of principle.

(3) The Commissioner for Motor Transport shall, as far as practicable, comply with any direction given to him under this section by the exercise of his functions in accordance with law.

(4) Subsection (3) applies to a function the subject of a direction under this section, notwithstanding—

- (a) that the exercise of the function would otherwise depend on the opinion, belief or state of mind of the Commissioner for Motor Transport or any other person (in which case the opinion, belief or state of mind of the Urban Transit Authority shall be deemed to be, and in substitution for, that of the Commissioner or other person); or
- (b) that the Commissioner for Motor Transport would otherwise be required to take into account certain matters (whether exclusively or otherwise).

(5) If the Commissioner for Motor Transport is unable for any reason to comply with any direction given to him under this section, he shall (except as approved by the Minister) notify the Minister of the non-compliance and the reasons therefor.

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*Transport Authorities.*

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(6) The Urban Transit Authority shall indemnify the Commissioner for Motor Transport in respect of any claim arising out of anything done or omitted by him at the direction of the Authority pursuant to this section.

**39.** (1) The State Rail Authority and the Commissioner for Motor Transport shall, as far as practicable, consult with the Urban Transit Authority before making any changes, or initiating any action, affecting urban passenger services. <sup>Consultation.</sup>

(2) Subsection (1) applies only to changes or action involving major issues of principle.

**40.** The Urban Transit Authority may make recommendations to the Minister or any other person or body as to any matter connected with the functions of the Urban Transit Authority. <sup>Recommendations.</sup>

**41.** The Urban Transit Authority may carry out such research and planning, and may engage such consultants, as appear to it to be necessary or desirable in connection with its functions. <sup>Research and planning.</sup>

**42.** (1) The Urban Transit Authority may make and enter into contracts or arrangements with any person for the carrying out of works or the performance of services or the supply of goods or materials in connection with the exercise by the Authority of its functions. <sup>Contracts.</sup>

(2) Without affecting the generality of subsection (1), the Urban Transit Authority may make and enter into contracts or arrangements with persons conducting urban passenger services, for the purpose of providing or ensuring the provision of any such services.

(3) A contract or arrangement under this section may provide for—

- (a) the whole or any part of any works to be undertaken by the Authority;
- (b) the whole or any part of the cost of any works to be paid by the Authority;

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*Transport Authorities.*


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- (c) a loan to be made by the Authority to meet the whole or any part of the cost of any works; or
- (d) the Authority to pay the whole or any part of the costs of providing any services during a specified period.

(4) A contract under this section shall be deemed for the purposes of the Constitution Act, 1902, to be a contract for or on account of the Public Service of New South Wales.

Delegation.

**43.** (1) The Urban Transit Authority may, by resolution, delegate to—

- (a) a member or officer of the Authority; or
- (b) the State Rail Authority or a member or officer of the State Rail Authority,

the exercise of such of the functions (other than this power of delegation) conferred or imposed on the Authority by or under this or any other Act as may be specified in the resolution and may in like manner revoke wholly or in part of any such delegation.

(2) A function, the exercise of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise of any of the functions delegated, or as to time or circumstances.

(4) Notwithstanding any delegation made under this section, the Urban Transit Authority may continue to exercise all or any of the functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered by the Urban Transit Authority and shall be deemed to have been done or suffered by the Authority.

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(6) An instrument purporting to be signed by or on behalf of a delegate of the Urban Transit Authority in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Authority under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Authority under this section.

(7) The Urban Transit Authority may not delegate its functions in relation to the discipline of its officers except with the approval of the Minister.

44. (1) For the purpose of exercising its functions, the Urban Transit Authority, with the approval of the Minister and of the Minister of the Department concerned and on such terms as may be arranged, make use of the facilities, or the services of any of the officers or employees, of any Government Department. <sup>Use of facilities and staff.</sup>

(2) The Urban Transit Authority may for the like purpose, with the approval of the Minister and of any other body constituted by or under an Act and on such terms as may be arranged, make use of the facilities, or the services of any of the officers, servants or employees, of that body.

(3) As and when the Minister so directs, the Urban Transit Authority shall for the like purpose, on such terms as may be arranged, make use of the facilities, or the services of any of the officers, of the State Rail Authority.

DIVISION 3.—*Managing Director.*

45. (1) The Governor may appoint a Managing Director of the Urban Transit Authority. <sup>Managing Director.</sup>

(2) Schedule 2 has effect with respect to the officer referred to in this section.

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*Transport Authorities.*


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Functions of  
Managing  
Director.

**46.** (1) The Managing Director of the Urban Transit Authority—

- (a) is subject to the control and direction of the Urban Transit Authority;
- (b) is responsible, as the chief executive officer of the Authority, for the management of the affairs of the Authority subject to and in accordance with any directions given to him by the Authority;
- (c) subject to any limitations or restrictions specified in regulations made for the purposes of this paragraph, shall have and may exercise such of the Authority's functions under this or any other Act as may be so specified;
- (d) shall have and may, subject to and in accordance with section 43, exercise any functions delegated to him under that section; and
- (e) shall have and may exercise such other functions as are conferred or imposed on him by or under this or any other Act.

(2) Nothing in this section limits or restricts the exercise by the Urban Transit Authority of any of its functions.

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**PART IV.**

**STAFF.**

Appoint-  
ment of  
staff.

**47.** (1) Each Authority may, subject to this Part, appoint and employ such officers and employees (referred to in this Act as officers) as are necessary for the exercise of its functions conferred or imposed by or under this or any other Act.

cf. 1912  
No. 30,  
s. 78;  
1930 No.  
18, s. 105.

(2) Without affecting the generality of section 30 of the Interpretation Act, 1897, an Authority may remove any officer of the Authority.

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(3) All officers of an Authority shall, subject to this Part, be subject to the sole control and governance of the Authority which may, where their salary or wages or conditions of employment is or are not fixed in accordance with the provisions of any other Act or law, fix the salary or wages payable to those officers and the conditions of their employment.

(4) Regulations may be made under this Act for or with respect to the conditions of employment of officers of the Authorities, including matters relating to the discipline of any such officers.

(5) The regulations made for the purposes of subsection (4)—

- (a) shall have effect subject to any award by which an Authority is bound made by a court of competent jurisdiction and to any industrial agreement to which the Authority is a party;
- (b) shall have effect notwithstanding the provisions of subsection (3);
- (c) may provide for the hearing and determination by a Transport Appeal Board of appeals by officers of an Authority in respect of such matters relating to their employment as may be specified in the regulations, and may provide for the decision of any such Board to be final or to be subject to appeal to the Authority, as specified in the regulations;
- (d) without affecting the generality of subsection (4), confer on any class of officers of an Authority a right, entitlement or privilege that is enjoyed (whether by virtue of an Act or law or otherwise) by any other class of officers or by any class of officers of the Department of Motor Transport; and
- (e) provide for any financial adjustments to be made as between the Authorities, or as between an Authority and any other person or body, in respect of any matter

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relating to the conditions of employment of officers of an Authority, including any matter relating to any right, entitlement or privilege of the kind referred to in paragraph (d).

(6) The Urban Transit Authority may not fix any salary, wages or conditions of employment under subsection (3) except with the concurrence of the State Rail Authority.

(7) Schedule 4 has effect with respect to staff leave entitlements.

(8) Schedule 5 has effect with respect to staff compensation entitlements.

Recruitment  
of staff  
of Urban  
Transit  
Authority.

**48.** (1) The recruitment of the staff of the Urban Transit Authority shall be effected by the State Rail Authority in consultation with the Urban Transit Authority.

(2) Subsection (1) does not apply to such positions or classes of positions in the staff establishment of the Urban Transit Authority as are determined by the Minister for the purposes of this section.

Common  
opportunity.

**49.** (1) Without affecting the generality of section 47 (4), regulations may be made under this Act for the purpose of securing common opportunity for officers of both Authorities to be eligible to apply for, and to be appointed or promoted to, positions in the staff establishments of either Authority, as if they were all staff of one employer.

(2) For the purposes of subsection (1), the regulations may, subject to that subsection but notwithstanding the provisions of any other Act or law, make provision for or with respect to determining the relative seniority of officers of the Authorities.

(3) Without affecting the generality of section 85 (3), a regulation referred to in this section need not apply to all officers of the Authorities, and may apply differently as between different classes of officers of the Authorities.



*Transport Authorities.***50.** Without affecting section 49—

- (a) officers of the State Rail Authority may, by agreement between the Authorities, be transferred to the service of the Urban Transit Authority and shall become and be officers of the Urban Transit Authority; and
- (b) officers of the Urban Transit Authority may, by agreement between the Authorities, be transferred to the service of the State Rail Authority and shall become and be officers of the State Rail Authority.

Transfer  
of staff  
between  
Authorities.

**51.** (1) The State Rail Authority shall, for the purposes of any proceedings relating to officers of the Urban Transit Authority, held before a competent tribunal having power to deal with industrial matters, be deemed to be the employer of those officers.

Special  
industrial  
functions  
of State  
Rail  
Authority.

(2) In exercising any functions pursuant to subsection (1), the State Rail Authority shall consult with the Urban Transit Authority.

(3) In subsection (1), “industrial matters” has the meaning ascribed to that expression by section 5 (1) of the Industrial Arbitration Act, 1940, subject to the following modifications:—

- (a) the references to “employers” and “their employer” shall be read and construed as references to an Authority;
- (b) the references to “employees” shall be read and construed as references to officers of that Authority;
- (c) the references to “any industry” or “an industry” shall be read and construed as references to the service of that Authority; and
- (d) the references to “industrial unions” and “trade union” shall be read and construed as references to any association or organisation representing any group or class of officers of that Authority.

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*Transport Authorities.*

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Staff  
establish-  
ments.

**52.** (1) The staff establishments of the State Rail Authority and the Urban Transit Authority shall be as determined by the respective Authorities.

(2) Nothing in this Act affects the operation of Part VI of the Public Service Act, 1979, in relation to the State Rail Authority or the Urban Transit Authority.

Preserva-  
tion of  
rights of  
transferred  
officers.

**53.** (1) In this section, "superannuation scheme" means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

(2) Subject to subsections (3) and (6), where a person was (immediately before the time he becomes an officer of an Authority, which time is referred to in this section as "the relevant time") an officer of the Public Service, the Public Transport Commission, the other Authority or the Department of Motor Transport, he shall—

- (a) retain any rights and privileges accrued or accruing to him as such an officer, including any rights and privileges accrued or accruing by virtue of any provision made by this or any other Act (including any enactment repealed by this Act, the Government Railways (Amendment) Act, 1980, or the Transport (Amendment) Act, 1980, or referred to in section 6A of the Transport Act, 1930) that he retain any rights and privileges accrued or accruing to him;
- (b) continue to contribute to any superannuation scheme to which he was a contributor immediately before the relevant time; and
- (c) be entitled to receive, and continue to accrue, any deferred, extended, annual, sick or other leave and any payment, pension or gratuity,

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as if from the relevant time he had continued to be an officer of the Public Service, the Public Transport Commission, the other Authority or the Department of Motor Transport, as the case may be, and—

- (d) his service as an officer of the Authority from the relevant time shall be deemed to be service as an officer for the purpose of any law under which those rights or privileges accrued or were accruing, under which he continues so to contribute or by which that entitlement is conferred; and
- (e) he shall be deemed to be an officer, and the Authority shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this subsection.

(3) An officer of an Authority who, but for this subsection, would be entitled under subsection (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme shall not be so entitled upon his becoming, while he is such an officer, a contributor to any other superannuation scheme, and the provisions of subsection (2) (e) cease to apply to or in respect of him and the Authority in any case where he becomes a contributor to such another superannuation scheme.

(4) Subsection (3) does not prevent the payment to an officer of an Authority upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer for the purposes of that scheme.

(5) An officer of an Authority is not, in respect of the same period of service, entitled to claim a benefit under this Act and another Act.

(6) Where a condition of employment of an officer of an Authority to whom subsection (2) applies was, immediately before the relevant time, regulated by an award or industrial agreement, that condition shall continue to be so regulated until it is

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varied by an award by which the Authority is bound made by a court of competent jurisdiction, or that condition is regulated by an industrial agreement to which the Authority is a party.

Represent-  
tation of  
officers.  
cf. 1912  
No. 30,  
s. 106;  
1930 No.  
18, s. 127.

**54.** In all public inquiries and investigations into the cause of any accident and in all formal departmental inquiries, and all formal inquiries held by an Authority, into the cause of any accident or in respect of any irregularity in regard to which a charge involving punishment has been or may be laid against an officer of an Authority, any officer concerned in the accident or in the irregularity has the right to be represented by the secretary or any other officer of his union or by a person whom he may select to represent his interests at the inquiry or investigation.

No contract-  
ing out.  
cf. 1912  
No. 30,  
s. 104;  
1930 No. 18,  
s. 126.

**55.** An Authority does not have power to agree with officers of the Authority to contract themselves out of the provisions of any Act, or to compel them to forgo any civil rights to which any Act entitles them.

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PART V.

FINANCE.

Establish-  
ment of  
the Funds.

**56.** There shall be established in the Special Deposits Account in the Treasury—

- (a) a State Rail Authority Fund; and
- (b) an Urban Transit Authority Fund.

Payments  
into the  
Funds.

**57.** (1) There shall be paid into each Fund all money required by or under this or any other Act to be paid into that Fund.

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(2) Subject to subsection (3)—

- (a) all money received by or on account of the State Rail Authority (including money received by or on account of the Railway Workshops Board) shall be paid into the State Rail Authority Fund; and
- (b) all money received by or on account of the Urban Transit Authority shall be paid into the Urban Transit Authority Fund.

(3) Any money required by or under this or any other Act to be paid into a particular Fund shall, if the Minister so directs, be paid into the other Fund.

**58.** (1) All amounts required to meet expenditure incurred in relation to the functions of the Authorities shall be paid from the Funds. Payments from the Funds.

(2) Subject to subsection (3)—

- (a) all payments made on account of the State Rail Authority (including the Railway Workshops Board) shall be paid from the State Rail Authority Fund; and
- (b) all payments made on account of the Urban Transit Authority shall be paid from the Urban Transit Authority Fund.

(3) Any payment required by or under this or any other Act to be paid from a particular Fund shall, if the Minister so directs, be paid from the other Fund.

(4) Payments from the Funds shall, except as directed by or under this or any other Act, be charged against revenue and capital as nearly as may be in accordance with accounting principles.

**59.** (1) All fines, penalties and forfeitures imposed by— Fines, etc., to be paid into Funds.

- (a) Part VI in relation to property of or land vested in the State Rail Authority;

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- (b) the regulations in relation to the Authority;
  - (c) the Government Railways Act, 1912, or any regulation or by-law under that Act; and
  - (d) the Transport Appeal Boards Act, 1980, in relation to appeals by officers of the Authority,
- and recovered, shall be paid into the State Rail Authority Fund.

- (2) All fines, penalties and forfeitures imposed by—
- (a) Part VI in relation to property of or land vested in the Urban Transit Authority;
  - (b) the regulations in relation to the Authority;
  - (c) the Transport Act, 1930, or any regulation or by-law under that Act in relation to omnibus services provided by the Authority; and
  - (d) the Transport Appeal Boards Act, 1980, in relation to appeals by officers of the Authority,
- and recovered, shall be paid into the Urban Transit Authority Fund.

Authorities  
to keep  
accounts.

**60.** (1) The State Rail Authority shall cause to be kept proper accounts and records in relation to all of its operations, including the operations of the Railway Workshops Board.

(2) The Urban Transit Authority shall cause to be kept proper accounts and records in relation to all of its operations.

(3) The accounts and records of each Authority shall be kept in such form and manner as may be directed by the Minister from time to time.

(4) Each Authority shall, as soon as practicable, but within 6 months, after the end of each financial year of the Authority, prepare and submit to the Minister for presentation to Parliament a statement of accounts and a balance-sheet, together with the Auditor-General's certificate given under this section in relation to the statement and balance-sheet.

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(5) The statement of accounts and balance-sheet of an Authority shall be in a form approved by the Minister and shall exhibit a true and fair view of the financial position and transactions of the Authority.

(6) Each Authority shall, as soon as practicable, but within 4 months, after the end of the financial year to which a statement of accounts and balance-sheet relate, transmit the statement to the Auditor-General for verification and certification.

(7) The Auditor-General's certificate shall state that he has audited the accounts of the Authority relating to the relevant financial year, and shall indicate whether the statement of accounts and balance-sheet comply with subsection (5), and shall set forth any qualifications subject to which the certificate is given.

(8) Nothing in this section prevents the alteration of the statement of accounts or balance-sheet, with the approval of the Auditor-General, after its receipt by him and before its submission to the Minister.

(9) The Minister shall lay the statement of accounts and balance-sheet, or cause them to be laid, together with the Auditor-General's certificate, before both Houses of Parliament as soon as practicable after the receipt by him of the statement and balance-sheet.

(10) The financial year of each Authority shall be the year ending on 30th June.

**61.** (1) The accounts and records of financial transactions of each Authority, and the records relating to assets of or in the custody of the Authority, shall be inspected and audited by the Auditor-General. Audit.

(2) For the purposes of any such inspection and audit, the Auditor-General or a person authorised by him is entitled at all reasonable times to full and free access to the accounts, records, documents and papers of the Authority and may make copies thereof or take extracts therefrom.

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(3) The Auditor-General or a person authorised by him may require a person, being a member or officer of either of the Authorities, to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorised person considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

Penalty : \$200.

(4) The Auditor-General may dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in subsection (1).

(5) The Auditor-General shall report to the Authority and the Minister on the result of any such inspection and audit, and as to such irregularities or other matters as in his judgment call for special notice or as are prescribed.

(6) Towards defraying the costs and expenses of any such inspection and audit, the Authority shall pay to the Consolidated Revenue Fund such amounts, at such times, as the Treasurer decides.

Application  
of Audit  
Act, 1902.

**62.** So much of the provisions of the Audit Act, 1902, as applies to accounting officers of public departments shall apply to the members and officers of each Authority who would be accounting officers if the Authority were such a department.

Capital.

**63.** (1) For the purposes of this Part, the capital of each Authority at any time is the sum of—

- (a) the net capital value of the assets, debts and liabilities of the Authority as specified under clause 11 of Schedule 8; and
- (b) the net variation (whether by way of addition or reduction), if any, determined as at that time, by the Committee of Review under section 64.



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(2) The capital of each Authority shall be shown in the balance-sheet referred to in section 60.

**64.** (1) There shall be a Committee of Review for each Authority, and each Committee of Review shall have and may exercise the functions conferred or imposed on it by this section. Committees  
of Review.

(2) The Committee of Review for an Authority shall consist of—

- (a) the Auditor-General or a person appointed by him to act on his behalf for the time being;
- (b) the Under Secretary of the Treasury or a person appointed by him to act on his behalf for the time being; and
- (c) a person appointed by the Authority to represent it for the time being.

(3) The Committee of Review for an Authority shall determine, as soon as practicable after the close of each financial year, and at such other times as may be appropriate, the amount by which the capital of the Authority should be varied (whether by way of increase or decrease) as at the end of that financial year, or as at such other time or times as it thinks fit, having regard to—

- (a) the amount of money appropriated from the General Loan Account and received on account of the Authority during that financial year;
- (b) the amount of money received during that financial year on account of the Authority from the proceeds of loans or other financial accommodation arranged by or on behalf of the Authority;
- (c) any repayments made on account of the Authority during that financial year; and
- (d) such other adjustments as are required to take account of—
  - (i) the writing off of assets by the Authority during that financial year; and
  - (ii) such other matters as appear to the Committee of Review to be relevant.

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(4) A determination under subsection (3) does not have effect until approved by the Governor.

(5) The regulations may make provision for or with respect to the procedure to be followed by a Committee of Review.

Appropriation of Consolidated Revenue Fund.

**65.** There shall be paid each year into the relevant Fund from the Consolidated Revenue Fund such sums as are necessary to meet each Authority's liabilities in respect of loans and other financial accommodation obtained pursuant to this Act, and those sums shall be paid from the Consolidated Revenue Fund without any further appropriation than this Act.

Revenue supplements.

**66.** The Treasurer may, out of money provided by Parliament, pay from time to time sums by way of revenue supplements into the relevant Fund to enable or assist each Authority to exercise its functions.

Financial duties of the Authorities.

**67.** It is the duty of each Authority—

- (a) in the exercise of its functions, to operate as efficiently and economically as possible and, in particular—
  - (i) to exercise efficiency and economy in incurring expenditure; and
  - (ii) to manage its financial affairs in such a manner as not to incur commitments involving expenditure from the relevant Fund beyond levels that can be met from the expected resources of the Fund;
- (b) to take all reasonable steps to ensure that the revenue of the Authority is produced at such a level as to minimise the level of revenue supplements under section 66; and
- (c) to submit to the Treasurer, in such manner and at such times as the Treasurer specifies—
  - (i) detailed estimates of its revenue from all sources and its expenditure proposed for any period specified by the Treasurer; and
  - (ii) such other information relating to the financial affairs of the Authority as the Treasurer requests.

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**68.** (1) In this section—

“capital debt charges”, in relation to an Authority’s loan liability or capital, means such amounts for interest, exchange, sinking fund contributions, flotation expenses, discount, loan management and other expenses as relate to that liability or capital;

Capital  
debt  
charges.

“loan liability”, in relation to an Authority, means any amount on which interest is payable to the Treasurer in pursuance of any Act.

(2) Capital debt charges are not payable to the Treasurer on behalf of the State in respect of the loan liability or capital of an Authority, but each Authority shall pay to the Treasurer, out of any surplus for a financial year, such amount as the Minister determines.

(3) The loan liability of an Authority to the State, or the capital of an Authority, is repayable to the Treasurer on behalf of the State at such times and in such amounts as the Minister determines.

(4) In the making of a determination under subsection (2) or (3), regard shall be had to any advice that an Authority has furnished to the Minister in relation to the financial affairs of the Authority.

**69.** (1) An Authority may enter into arrangements to borrow money from, or obtain advances from, or obtain other financial accommodation from, an approved person or body, whether in New South Wales or elsewhere, to such extent and secured and arranged in such manner and for such period as may be approved.

Financial  
accommo-  
dation.

(2) The due payment of any amounts payable by an Authority pursuant to any arrangements entered into under this section, and any interest or other charges in relation thereto, is hereby guaranteed by the Government, and any liability arising from the guarantee shall be payable out of money provided by Parliament.

(3) Where the approval of the Governor in relation to any arrangements is expressed to be given under this section, the provisions of section 70 and Schedule 6 do not apply to or in

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respect of the arrangements, but this subsection does not prevent the borrowing of money under section 70 (1) for the discharge or partial discharge of any indebtedness to any person or body referred to in subsection (1).

(4) In this section—

“approved” means approved from time to time by the Governor on the recommendation of the Minister and with the concurrence of the Treasurer;

“financial accommodation” includes financial accommodation by way of credit arrangements, including arrangements for the deferred payment by an Authority of amounts payable by it under any contract or agreement entered into by it, but not including any arrangements that provide for the payment of instalments where the extension of credit to the Authority is not involved.

Purposes  
for which  
money  
may be  
borrowed.

**70.** (1) An Authority may from time to time, with the approval of the Governor given on the recommendation of the Minister and with the concurrence of the Treasurer, borrow money for—

- (a) the purpose of carrying out any of its functions;
- (b) the renewal of loans;
- (c) the discharge or partial discharge of any loan or any indebtedness to the Treasurer or to any bank or to any person or body referred to in section 69 (1); or
- (d) any other purpose of this Act.

(2) Schedule 6 has effect with respect to loans.

Fares, etc.

**71.** (1) The charges to be demanded by the State Rail Authority in respect of its services or for any other purpose shall be as from time to time determined by order made by the Authority with the concurrence of the Minister.

(2) The charges to be demanded by the Urban Transit Authority in respect of its omnibus and ferry services or for any other purpose shall be as from time to time determined by order made by the Authority with the concurrence of the Minister.

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(3) Each Authority shall, at least once in each financial year, submit to the Minister for his concurrence such proposals in respect of adjustments to its charges as appear to it to be necessary to take into account the following factors :—

- (a) movements in appropriate wages and pricing indexes available to the Authority; and
- (b) the Authority's pricing policies and structures, as from time to time approved by the Minister.

(4) In submitting any proposed charges for the concurrence of the Minister, an Authority shall certify to the Minister that, in fixing the amount of the charges, it has regard to the factors mentioned in subsection (3).

(5) An order under this section may—

- (a) make provision for concessions and rebates; and
- (b) apply generally or be limited in its application by reference to specified exceptions or factors or apply differently according to different factors of a specified kind.

(6) An order under this section shall be published in the Gazette and shall take effect as on and from the date of publication or a later date specified in the order.

(7) Orders may be made under this section providing for the issue of tickets for use in connection with more than one transport service.

(8) Orders may be made by an Authority under this section providing for the acceptance by the Authority of tickets issued by the other Authority or other persons or organisations.

(9) In this section, "charges" includes fares, tolls, commissions and demurrage.

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## PART VI.

## MISCELLANEOUS.

Effect of  
this Act  
on certain  
functions.

**72.** (1) Except to the extent specified in this Act, nothing in this Act affects the functions of the State Rail Authority conferred or imposed by or under any other Act, but in the event of an inconsistency between this Act and any other law as to the nature or exercise of any of its functions, or as to the respective functions of the State Rail Authority and the Urban Transit Authority, this Act shall prevail.

(2) Except to the extent specified in this Act, nothing in this Act affects the functions of the Commissioner for Motor Transport conferred or imposed by or under any other Act, but in the event of an inconsistency between this Act and any other Act or other law as to the nature or exercise of any of his functions, or as to the respective functions of the Commissioner and the Urban Transit Authority, this Act shall prevail.

Damage to  
Authority's  
property.  
cf. 1972  
No. 53,  
s. 21A.

**73.** A person shall not wilfully damage or deface any property vested in or belonging to an Authority.

Penalty : \$400 or imprisonment for 6 months.

Parking of  
vehicles  
on land  
vested in  
Authority.  
cf. 1972  
No. 53,  
s. 21B.

**74.** (1) In this section—

“owner”, in relation to a vehicle, includes—

- (a) a person who is the owner or joint owner or part owner of the vehicle and any person, other than the lessor under a hire-purchase agreement relating to the vehicle, who has the use of the vehicle under such an agreement; and
- (b) in the case of a vehicle that is a motor vehicle—
  - (i) the person in whose name the vehicle is registered under the regulations made under the Motor Traffic Act, 1909, except where that person has sold or

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otherwise disposed of the vehicle and has complied with the provisions of those regulations applicable to him with respect to that sale or disposal;

- (ii) where the vehicle has affixed to it a trader's plate issued under that Act for use as prescribed by those regulations—the person to whom that trader's plate is on issue; or
- (iii) a person who, pursuant to a regulation under section 3 (1) (q11) or (q12) of the Motor Traffic Act, 1909, is to be treated as being for the purposes of section 18A of that Act, the owner of the vehicle;

“parking offence” means the offence committed by a person who contravenes any regulation made under this Act for or with respect to the standing, waiting or parking of vehicles.

(2) Where a parking offence occurs, the person who, at the time of the occurrence of the offence, is the owner of the vehicle to which the offence relates is, by virtue of this section, guilty of an offence under the regulation relating to the parking offence in all respects as if he were the actual offender guilty of the parking offence unless—

- (a) in any case where the offence is dealt with under section 75, the owner satisfies the prescribed officer under that section that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used; or
- (b) in any other case, the court is satisfied that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used.

(3) Nothing in this section affects the liability of an actual offender in respect of a parking offence but, where a penalty has been imposed on, or recovered from, any person in relation to any parking offence, no further penalty shall be imposed on or recovered from any other person in relation thereto.

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(4) Notwithstanding anything in subsection (2) or (3), no owner of a vehicle is, by virtue of this section, guilty of an offence if—

- (a) in any case where the appeal is dealt with under section 75, he—
  - (i) within 21 days after service on him of a notice under section 75 alleging that he has been guilty of the offence, supplies by statutory declaration to the prescribed officer under that section the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or
  - (ii) satisfies that prescribed officer that he did not know and could not with reasonable diligence have ascertained that name and address; or
- (b) in any other case, he—
  - (i) within 21 days after service on him of a summons in respect of the offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or
  - (ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained that name and address.

(5) A statutory declaration that relates to more than one parking offence shall be deemed not to be a statutory declaration supplying a name and address for the purposes of subsection (4).

(6) Where a statutory declaration supplying the name and address of a person for the purpose of subsection (4) is produced in any proceedings against that person in respect of the parking offence to which the statutory declaration relates, the statutory declaration is evidence that that person was, at all relevant times relating to that parking offence, in charge of the vehicle to which the parking offence relates.



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(7) The provisions of this section shall be construed as supplementing, and not as derogating from, any other provision of this Act or the regulations or any other Act or regulation, by-law or ordinance under any other Act.

75. (1) Where it appears to a member of the police force or a prescribed officer that any person has committed, or by virtue of section 74 is guilty of, any parking offence (within the meaning of that section) prescribed for the purposes of this section, the member of the police force or prescribed officer may serve a notice on that person to the effect that if that person does not desire to have the matter determined by a court, that person may pay to an officer specified in the notice within the time specified therein an amount of penalty prescribed for that offence if dealt with under this section. Penalty notices for certain offences. cf. 1909 No. 5, s. 18B.

(2) Any notice under subsection (1)—

(a) may be served personally or by post; or

(b) if it relates to an offence of which the owner of a vehicle is guilty by virtue of section 74, may be addressed to the owner without naming him or stating his address and may be served by leaving it on or attaching it to the vehicle.

(3) Any person alleged to have committed or be guilty of an offence to which subsection (1) applies has the right to decline to be dealt with under this section.

(4) Any person who fails to pay the penalty within the time specified in the notice given to him under subsection (1) or within such further time as may in any particular case be allowed shall be deemed to have declined to be dealt with under this section.

(5) Where the amount of any prescribed penalty for an alleged offence is paid pursuant to this section, no person is liable to any further proceedings for the alleged offence.

(6) Payment of a penalty pursuant to this section shall not be regarded as an admission of liability for the purpose of nor in any way affect or prejudice any civil claim, action or proceeding arising out of the same occurrence.

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(7) The regulations may—

- (a) prescribe the offences which shall be prescribed offences for the purposes of this section by setting out the offences or by a reference to the regulation or part of the regulation creating the offence;
- (b) prescribe the amount of penalty payable under this section for any prescribed offence;
- (c) for the purposes of this section, prescribe different amounts of penalties for different offences or classes of offences or for offences or classes of offences having regard to the circumstances thereof; and
- (d) prescribe the persons or classes of persons who shall be prescribed officers for the purposes of this section.

(8) No penalty prescribed under this section for any offence shall exceed any maximum amount of penalty which could be imposed for the offence by a court.

(9) The provisions of this section shall be construed as supplementing, and not as derogating from, any other provision of this Act or the regulations or any other Act or regulation, by-law or ordinance under any other Act in relation to proceedings which may be taken in respect of offences.

Differences  
between  
authorities.  
cf. 1972  
No. 53,  
s. 22.

**76.** Where any difference, whether or not arising out of the construction of this Act or any other Act, arises between an Authority and the Commissioner for Motor Transport, the Commissioner for Main Roads, the Commissioner of Police, the council of any city, municipality or shire, or any Government Department or body constituted by or under any Act with respect to the carrying out of the provisions of this Act or any other Act under which functions are conferred or imposed on the Authority, or any matter arising thereout, the difference shall be determined by the Governor or in such manner as the Governor directs.

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77. (1) Where judgment has been given by a court against any officer of an Authority for the payment of any sum of money, or against any contractor to the Authority for the payment of any sum of money in respect of any dishonoured cheque or promissory note or upon any guarantee or bond or for rent of any land or for goods supplied or money lent or for wages due in connection with his contract with the Authority, the person in whose favour the judgment has been given may serve on the Authority a copy of the judgment certified under the hand of the registrar or other proper officer of the court by which the judgment was delivered or in which it was obtained and a statutory declaration stating that the judgment has not been satisfied by the judgment debtor and setting out the amount due by the judgment debtor under the judgment.

Enforce-  
ment of  
judgments.  
cf. 1912  
No. 30,  
s. 107A;  
1930  
No. 18,  
s. 128A.

(2) Upon the service upon it of a copy of a judgment and a statutory declaration in pursuance of this section, the Authority shall, as soon as practicable, notify the judgment debtor in writing of the service of the copy judgment and statutory declaration and require him to state in writing, within a time to be specified by him, whether the judgment has been satisfied, and if so, to furnish evidence in support thereof, and if the judgment has not been satisfied, to state the amount then due under it.

(3) If the officer or contractor fails to prove to the satisfaction of the Authority that the judgment has been satisfied, the Authority may, from time to time, deduct from the net amount of any money payable to the officer or contractor such sums as are in its opinion reasonable towards the satisfaction of the judgment, and shall apply those sums in the manner provided in this section.

(4) In no case shall a deduction be made which will reduce the amount to be received by an officer to less than a sum per week equivalent to the amount ascertained in accordance with subsection (5).

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(5) The amount which, pursuant to subsection (4), is to be ascertained in accordance with this subsection shall—

- (a) in the application of subsection (4) to a male officer—be ascertained by deducting \$8 from the basic wage for adult males in force within the meaning of Part V of the Industrial Arbitration Act, 1940, immediately before the deduction under subsection (3) is made; and
- (b) in the application of subsection (4) to a female officer—be ascertained by deducting \$8 from the basic wage for adult females in force within the meaning of that Part immediately before the deduction under subsection (3) is made.

(6) Where more than one judgment and statutory declaration are served upon the Authority in respect of one judgment debtor, the judgments shall be dealt with under this section in the order of service thereof upon the Authority.

(7) Any deductions made under subsection (3) from money payable to an officer or contractor shall, as between the Authority and the officer or contractor, be deemed to be a payment in full in money to the extent of the payment by the Authority to the officer or contractor.

(8) Any person to whom a payment has been made in pursuance of this section and who fails to notify the Authority immediately a judgment debt in respect of which the payment is made, is satisfied, or is deemed to be satisfied, shall be liable to forfeit to the Authority a penalty not exceeding \$100.

(9) If any deduction made in pursuance of subsection (3) from money payable to a judgment debtor exceeds the amount due under the judgment against the judgment debtor, the excess shall be repayable by the Authority to the judgment debtor, and in default of payment, may be recovered by the judgment debtor in any court of competent jurisdiction.

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(10) The foregoing provisions of this section do not apply in relation to any officer or contractor whose estate has been sequestrated either voluntarily or compulsorily for the benefit of his creditors, and who has not obtained a certificate of discharge.

(11) The remedy prescribed by this section shall not, as regards any officer or contractor, limit or affect any other remedy which may be open under the ordinary process of the law, but as regards the Authorities, the remedy shall be an exclusive one.

(12) Out of the sums deducted under subsection (3) there shall be retained by the Authority, to be paid into the Fund, an amount equal to 5 per cent (or such other percentage as the Governor may, by order, notify in the Gazette, which order the Governor is hereby authorised to make) of those sums, and the balance of those sums shall be paid to the judgment creditor.

(13) When the Authority makes a payment to a judgment creditor under subsection (12), the Authority shall forward to the judgment creditor a statement showing—

- (a) the sums deducted under subsection (3) in respect of the judgment from money payable to the officer or contractor;
- (b) the amount retained under subsection (12) out of those sums by the Authority; and
- (c) the balance of those sums paid under subsection (12) to the judgment creditor.

(14) Upon payment being made under subsection (12) to the judgment creditor, the judgment creditor shall credit the officer or contractor with the sums referred to in subsection (13) (a), as shown in the statement forwarded by the Authority to the judgment creditor, and the judgment in respect of which the payment was made shall for all purposes be deemed to be satisfied to the extent of those sums, as so shown.

(15) In this section, "judgment" includes a judgment against joint defendants.

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Public Service Act, 1979, not to apply.

**78.** The provisions of the Public Service Act, 1979, do not apply to or in respect of the appointment of any person as a member or officer of a Corporation, and a person is not, in his capacity as such a member or officer, subject to those provisions.

Proof of certain matters not required. cf. 1972 No. 53, s. 26.

**79.** In any legal proceedings by or against a Corporation, no proof shall be required (until evidence is given to the contrary) of—

- (a) the constitution of the Corporation;
- (b) any resolution of the Corporation;
- (c) the appointment of or holding of office by any member of the Corporation;
- (d) the appointment of any officer of the Corporation; or
- (e) the presence of a quorum at any meeting of the Corporation.

Authentication of certain documents of Corporations. cf. 1972 No. 53, s. 28.

**80.** Every summons, process, demand, order, notice, statement, direction or document requiring authentication by a Corporation may be sufficiently authenticated without the seal of the Corporation if signed by the Secretary or by any other officer authorised to do so by the Corporation.

Recovery of charges, etc., by Authorities. cf. 1972 No. 53, s. 30.

**81.** Any charge, fee or money due to an Authority, or to the Crown, in respect of any of the activities of the Authority under the provisions of this or any other Act or any regulation or by-law may be recovered by the Authority as a debt in a court of competent jurisdiction.

Shortened references to Corporations.

**82.** In any other Act, in any instrument made under any Act or in any other instrument of any kind, except in so far as the context or subject-matter otherwise indicates or requires—

- (a) a reference to the "State Rail Authority" shall be read and construed as a reference to the State Rail Authority of New South Wales;

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- (b) a reference to the "Urban Transit Authority" shall be read and construed as a reference to the Urban Transit Authority of New South Wales; and
- (c) a reference to the "Railway Workshops Board" shall be read and construed as a reference to the Railway Workshops Board of New South Wales.

**83.** (1) As soon as practicable after 30th June, but on or before 31st December, in each year, each Authority shall prepare and submit to the Minister a report of its work and activities for the 12 months preceding 30th June in that year.

Annual reports.  
cf. 1972  
No. 53,  
s. 31.

(2) The Minister shall lay the report or cause it to be laid before both Houses of Parliament as soon as practicable after the receipt by him of the report.

(3) A report under subsection (1) by an Authority may include any report required to be made annually by the Authority under any other Act.

(4) In so far as a report under subsection (1) includes any matter that relates to a period in respect of which a report is required to be made annually by an Authority under any other Act, the provision of that other Act which requires the report to be made in respect of that period has no operation.

(5) A report under subsection (1) by the State Rail Authority shall include a report on the work and activities of the Railway Workshops Board for the relevant period.

**84.** Proceedings for an offence against this Act or the regulations may be taken before a court of petty sessions constituted by a stipendiary magistrate or any 2 justices of the peace.

Proceedings  
for  
offences  
against  
Act.  
cf. 1972  
No. 53,  
s. 30A.

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Regulations. **85.** (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

- (a) the standing, waiting or parking of vehicles on land vested in either of the Authorities; and
- (b) the ferry services provided by the Urban Transit Authority, including their orderly operation and the obligations of passengers.

(2) A regulation may impose a penalty not exceeding \$100 for any contravention thereof.

(3) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

Repeals. **86.** Each Act specified in Column 1 of Schedule 7 is, to the extent specified opposite that Act in Column 2 of that Schedule, repealed.

Savings,  
transitional  
and other  
provisions.

**87.** Schedule 8 has effect.

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*Transport Authorities.*

## SCHEDULE 1.

Secs. 5 (5),  
19 (5),  
27 (5).

## CONSTITUTION AND PROCEDURE OF THE CORPORATIONS.

1. (1) The regulations may, subject to this Act, make provision for or with respect to the election of a person to hold office as elected member of a Corporation.

Provisions  
as to  
elected  
members.

(2) The Electoral Commissioner for New South Wales, or a person employed in the office of the Electoral Commissioner and nominated by him, shall be the returning officer for an election, and shall have and may exercise the functions conferred or imposed on the returning officer by the regulations in relation to the election.

(3) Eligible persons are entitled to vote at an election in accordance with the regulations.

(4) A person's nomination as a candidate for election is invalid if the nomination is not made by at least 2 persons who are eligible persons.

(5) A person's nomination as a candidate for election is invalid if he is not a member of an industrial union at the time of his nomination.

(6) If no person is nominated at an election, or if for any other reason an election fails or is not held, the Minister may appoint a person to be a member of the Corporation, and the person shall, on being appointed, be deemed to be a person elected in the manner prescribed by the regulations.

(7) In this clause—

“eligible person” means—

- (a) in relation to the election of a member of the State Rail Authority—an officer of either Authority;
- (b) in relation to the election of a member of the Urban Transit Authority—an officer of the Authority; or
- (c) in relation to the election of a member of the Railway Workshops Board—an officer of the State Rail Authority declared by the regulations to be entitled to vote at an election held in respect of the Board;

“industrial union” means an industrial union of employees registered as such under the Industrial Arbitration Act, 1940, or an association of employees registered as an organization under the Conciliation and Arbitration Act 1904 of the Commonwealth, as subsequently amended.

2. Where the body referred to in section 5 (4) (c), 19 (4) (c) or 27 (4) (f) does not submit the nomination of a panel for the purposes of that provision within the time or in the manner specified by the Minister in a

Failure to  
nominate.

*Transport Authorities.*SCHEDULE 1—*continued.*CONSTITUTION AND PROCEDURE OF THE CORPORATIONS—*continued.*

notice served by post on that body, the Minister may appoint a person to be a member of the Corporation, and the person shall, on being appointed, be deemed to be a person appointed in accordance with that provision.

Age of members.

3. A person who is of or above the age of 65 years is not eligible to be appointed as a member of a Corporation or to act as deputy of any member of a Corporation.

Term of office of appointed members.

4. An appointed member of a Corporation shall, subject to this Act, hold office for such term, not exceeding 3 years, as is specified in the instrument of his appointment, and is, if otherwise qualified, eligible to become a member again at or after the expiration of his previous term of office.

Remuneration of appointed members.

5. (1) An appointed member of a Corporation is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

(2) The office of an appointed member of a Corporation shall, for the purposes of any Act, be deemed not to be an office or place of profit under the Crown.

Statutory prohibition lifted.

6. Where, by or under any Act, provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, that provision does not operate to disqualify him from holding that office and also the office of member of a Corporation or from accepting and retaining any remuneration payable to him as a member of a Corporation.

Casual vacancy.

7. (1) An appointed member of a Corporation shall be deemed to have vacated his office—

(a) if he dies;

(b) if he is absent from 4 consecutive meetings of the Corporation of which reasonable notice has been given him either personally or in the ordinary course of post, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant) before the expiration of 4 weeks after the last of those meetings;

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*Transport Authorities.*

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SCHEDULE 1—*continued.*CONSTITUTION AND PROCEDURE OF THE CORPORATIONS—*continued.*

- (c) if he becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his remuneration or allowances as a member of the Corporation, or of his estate, for their benefit;
- (d) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (e) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour so punishable;
- (f) if he resigns his office by writing under his hand addressed to the Minister and the Minister accepts the resignation;
- (g) if, at any meeting of the Corporation at which he is present and at which any agreement or proposed agreement in which he has a direct or indirect pecuniary interest, or any other matter in which he has such an interest, is the subject of consideration or is included on the agenda for consideration—
  - (i) he fails, as soon as practicable after the commencement of the meeting, to disclose to the meeting his interest in; or
  - (ii) he takes part in the consideration or discussion of, or votes on any question with respect to,the agreement, proposed agreement or other matter;
- (h) if—
  - (i) he has any direct or indirect pecuniary interest in any agreement with the Corporation, or in any other matter in which the Corporation is concerned, other than an interest in an agreement or other matter which he has in the like manner to that applicable, and subject to the like conditions applicable, in the case of persons who are not members of the Corporation; or
  - (ii) by virtue of his office as a member of the Corporation he accepts or acquires any personal profit or advantage other than under this Act;

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*Transport Authorities.*


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SCHEDULE 1—*continued.*CONSTITUTION AND PROCEDURE OF THE CORPORATIONS—*continued.*

- (i) if he is removed from office by the Minister for misbehaviour or incompetence; or
- (j) upon his attaining the age of 65 years.

## (2) If—

- (a) a company has a direct or indirect pecuniary interest in any agreement, proposed agreement or other matter the subject of consideration at a meeting of the Corporation; or
- (b) a company has a direct or indirect pecuniary interest in any agreement with the Corporation or in any other matter in which the Corporation is concerned,

a member of the Corporation who—

- (c) is a member of the governing body of or is a substantial shareholder within the meaning of section 69c of the Companies Act, 1961, in that company shall, for the purposes of subclause (1) (g) and (h), be deemed to have a direct or indirect pecuniary interest in that agreement, proposed agreement or other matter; or
- (d) has a relevant interest, within the meaning of section 6A of that Act, in any share of the company shall, for the purposes of subclause (1) (g) and (h), be deemed to have a direct or indirect pecuniary interest in that agreement, proposed agreement or other matter.

**General pro-  
cedures.**

8. The procedure for the calling of, and for the conduct of business at, meetings of a Corporation shall, subject to any procedure that is specified in this Act or prescribed, be as determined by the Corporation.

**Voting.**

9. (1) Questions arising at any meeting of a Corporation shall be determined by a majority of votes of the members present and voting.

(2) In the event of an equality of votes at any meeting of a Corporation, the person presiding at the meeting shall have, in addition to a deliberative vote, a second or casting vote.

**Minutes.**

10. A Corporation shall cause a record of its decisions and full and accurate minutes of the proceedings at its meetings to be kept.

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*Transport Authorities.*

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SCHEDULE 1—*continued.*

CONSTITUTION AND PROCEDURE OF THE CORPORATIONS—*continued.*

11. (1) Each ex officio member of a Corporation may, from time to time, appoint a person to be his deputy, and the member or the Minister may revoke any such appointment. **Deputies.**

(2) The regulations may make provision for or with respect to the appointment of persons to be deputies of appointed members of a Corporation.

(3) In the absence of a member of a Corporation, the member's deputy—

(a) shall, if available, act in the place of the member; and

(b) while so acting shall be deemed to be a member of the Corporation and shall have and may exercise the functions of the member.

12. No matter or thing done, and no contract entered into, by a Corporation, and no matter or thing done by a member of the Corporation or by any other person acting under the direction or delegation of the Corporation shall, if the matter or thing was done or the contract was so entered into, in good faith, for the purposes of executing this or any other Act conferring or imposing functions upon the Corporation subject the member or person personally to any action, liability, claim or demand. **Protection from liability.**

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SCHEDULE 2.

Secs. 17 (3),  
45 (2).

THE EXECUTIVE OFFICERS.

1. In this Schedule, "executive officer" means the Chief Executive or a Deputy Chief Executive of the State Rail Authority or the Managing Director of the Urban Transit Authority. **Interpretation.**

2. A person who is of or above the age of 65 years is not eligible for appointment as an executive officer, or to act in the office of an executive officer under clause 5. **Age of executive officers.**

*Transport Authorities.*SCHEDULE 2—*continued.*THE EXECUTIVE OFFICERS—*continued.*Term of  
office.

3. (1) An executive officer shall, subject to this Act, hold office for such term, not exceeding 7 years, as is specified in the instrument of his appointment.

(2) An executive officer shall devote the whole of his time to the duties of his office.

(3) An executive officer is, if otherwise qualified, eligible to become an executive officer again at or after the expiration of his term of office.

Remunera-  
tion.

4. An executive officer is entitled to be paid—

- (a) remuneration in accordance with the Statutory and Other Offices Remuneration Act, 1975; and
- (b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of him.

Acting  
executive  
officer.

5. (1) The Minister may, by writing under his hand, appoint a person to act in the office of an executive officer while the executive officer is absent from his office through illness or any other cause or where the executive officer is deemed to have vacated his office, and the person so appointed, while so acting, shall have and may exercise the functions of the executive officer vested in the executive officer by or under this or any other Act in the same manner as if he were the executive officer.

(2) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act in the office of an executive officer and all acts or things done or omitted by the person appointed under this clause, while so acting, shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the executive officer.

Casual  
vacancy.

6. (1) An executive officer shall be deemed to have vacated his office—

- (a) if he engages in any paid employment outside the duties of his office; or
- (b) if he absents himself from duty for a period exceeding 14 consecutive days except on leave granted by the Minister (which leave the Minister is hereby authorised to grant), unless his absence is occasioned by illness or other unavoidable cause.

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*Transport Authorities.*

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SCHEDULE 2—*continued.*

THE EXECUTIVE OFFICERS—*continued.*

(2) The provisions of clause 7 (subclause (1) (b) excepted) of Schedule 1 apply to and in respect of an executive officer in the same way as they apply to and in respect of an appointed member of a Corporation.

7. On the occurrence of a casual vacancy in the office of an executive officer, the office shall, without affecting clause 5, be filled as if it had become vacant because of the expiry of the term of office of the previous occupant.

Filling of casual vacancies.

8. (1) In this section, "superannuation scheme" means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

Preservation of rights of executive officer previously public servant, etc.

(2) Subject to subclause (3) and to the terms of his appointment, where an executive officer was, immediately before his appointment as such an executive officer—

- (a) an officer of the Public Service;
- (b) a contributor to a superannuation scheme;
- (c) an officer of the Public Transport Commission;
- (d) an officer of an Authority or of the Department of Motor Transport;
- (e) an officer or employee of a statutory body; or
- (f) a person in respect of whom provision was made by an Act (including any enactment repealed by this Act, the Government Railways (Amendment) Act, 1980, or the Transport (Amendment) Act, 1980, or referred to in section 6A of the Transport Act, 1930) that he retain any rights accrued or accruing to him as an officer or employee,

he—

- (g) shall retain any rights accrued or accruing to him as such an officer, employee, contributor or person;
- (h) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as such an executive officer;
- (i) shall be entitled to receive any payment, pension or gratuity as if he had continued to be such an officer, employee, contributor or person during his service as such an executive officer;

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*Transport Authorities.*


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SCHEDULE 2—*continued.*THE EXECUTIVE OFFICERS—*continued.*

- (j) his service as a member shall be deemed to be service as an officer or employee for the purposes of any law under which those rates were accrued or accruing, under which he continued to contribute or under which that entitlement is conferred; and
- (k) he shall be deemed to be an officer of the appropriate Authority, and that Authority shall be deemed to be his employer for the purposes of the superannuation scheme to which he is entitled to contribute under this subclause.

(3) A person who, but for this subclause, would be entitled under subclause (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme, shall not be so entitled upon his becoming (whether upon his appointment as an executive officer or at any later time while he holds office as an executive officer) a contributor to any other superannuation scheme, and the provisions of subclause (2) (k) cease to apply to or in respect of him and the Authority in any case where he becomes a contributor to such another scheme.

(4) Subclause (3) does not prevent the payment to a person upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer for the purposes of that scheme.

(5) A person is not, in respect of the same period of service, entitled to claim a benefit under this Schedule and any other provision of this or any other Act.

Executive officer entitled to reappointment in certain cases.

## 9. (1) In this clause—

“prescribed authority” means an Authority or any other statutory body;

“retiring age” means—

- (a) in relation to a person who was, immediately before his appointment as an executive officer, an officer of the Public Service—the age of 60 years; and
- (b) in relation to a person who was, immediately before his appointment as an executive officer, a member, officer or employee of a prescribed authority—the age at which members, officers or employees, as the case may be (being members, officers or employees of the class to which that



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*Transport Authorities.*

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SCHEDULE 2—*continued.*

THE EXECUTIVE OFFICERS—*continued.*

person belongs immediately before his appointment as such an executive officer), of that prescribed authority are entitled to retire.

(2) A person who ceases to be an executive officer otherwise than pursuant to clause 6 (clause 7 (1) (f) of Schedule 1, as applied by clause 6, excepted), shall, if he has not attained the retiring age, be entitled to be appointed where immediately before his appointment as such an executive officer he was—

- (a) an officer of the Public Service—to some position in the Public Service;
- (b) an officer of an Authority—to some office in the service of the Authority;
- (c) an officer or employee of a statutory body—to some position in the service of that body; or
- (d) a member of a prescribed authority—to some office in the service of the Government,

not lower in classification and salary than that which he held immediately before his appointment as such an executive officer.

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SCHEDULE 3.

Sec. 26 (2)  
(3).

RAILWAY WORKSHOPS.

Eveleigh Locomotive Workshops.  
Eveleigh Carriage Workshops.  
Electric Workshops, Chullora.  
Structural Track and Signal Workshops, Chullora.  
Locomotive Workshops, Chullora.  
Wagon Maintenance Centre, Clyde.  
Goulburn Railway Workshops.  
Bathurst Railway Workshops.  
Locomotive Workshops, Cardiff.

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*Transport Authorities.*

Sec. 47 (7).

## SCHEDULE 4.

## STAFF LEAVE ENTITLEMENTS.

Interpre-  
tation.

## 1. In this Schedule—

“bank and public holidays” and “bank or public holidays” do not include Saturdays that are bank holidays by virtue of the provisions of section 15A of the Banks and Bank Holidays Act, 1912;

“officer” means an officer of the State Rail Authority or the Urban Transit Authority;

“relevant Authority”, in relation to an officer, means the Authority of which he is an officer.

Annual  
leave.

2. Every officer is entitled to at least 4 weeks' leave on full pay in respect of each 12 months of actual service, in addition to bank and public holidays observed throughout the State.

Bank and  
public  
holidays.

3. (1) Subject to subclause (3), any officer who cannot take his leave under clause 2 on any bank or public holidays by reason that he has been required to work on those days is entitled instead to leave on full pay for the same number of days at some future time.

(2) Any officer who is required to work on a bank or public holiday is entitled to pay at the rate of time and one-half for work performed on that day, except in so far as an award or industrial agreement applicable to him provides for payment at a rate in excess of that rate for any work so performed.

(3) Where an award or industrial agreement referred to in subclause (2) provides for payment at a rate in excess of double time for any work performed on a bank or public holiday, the officer shall not, in respect of that day, be entitled to leave on full pay at some future time, as provided for in subclause (1), as well as to pay at such a rate.

Extended  
leave.

## 4. (1) Subject to this clause, an officer is entitled—

(a) after service for 10 years, to leave for 2 months on full pay or 4 months on half pay; and

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*Transport Authorities.*

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SCHEDULE 4—*continued.*

STAFF LEAVE ENTITLEMENTS—*continued.*

- (b) after service in excess of 10 years, to—
  - (i) leave pursuant to paragraph (a); and
  - (ii) in addition, an amount of leave proportionate to his length of service after 10 years, calculated on the basis of 5 months on full pay, or 10 months on half pay, for 10 years served after service for 10 years.

(2) For the purpose of calculating the entitlement of a person to extended leave under this clause at any time—

- (a) service referred to in this clause includes service before the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1971;
- (b) there shall be deducted from the amount of extended leave to which, but for this paragraph, that person would be entitled—
  - (i) any extended leave, or leave in the nature of extended leave; and
  - (ii) the equivalent, in extended leave, of any benefit instead of extended leave or leave in the nature of extended leave,

taken or received by that person before that time, including any such leave taken, or benefit received, by that person pursuant to a repealed provision of the Government Railways Act, 1912, or pursuant to any of the provisions referred to in section 6A of the Transport Act, 1930; and

- (c) the provisions of the Transferred Officers Extended Leave Act, 1961, shall have effect,

but nothing in this subclause shall be construed as authorising, in respect of the same period of leave taken or the same benefit received, a deduction under both paragraph (b) of this subclause and section 3 (7) of the Transferred Officers Extended Leave Act, 1961.

(3) Where the services of an officer with at least 5 years' service as an adult and less than 10 years' service are terminated by his employer for any reason other than the officer's serious and wilful misconduct, or by the officer on account of illness, incapacity or domestic or other pressing necessity, he is entitled for 5 years' service to 1 month's leave on full pay and for service after 5 years to a proportionate amount of leave on full pay calculated on the basis of 3 months' leave for 15 years' service (that service to include service as an adult and otherwise than as an adult).

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*Transport Authorities.*

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SCHEDULE 4—*continued.*STAFF LEAVE ENTITLEMENTS—*continued.*

- (4) For the purposes of subclause (3), “service as an adult”—
- (a) in the case of an officer employed to do any work for which the rate or wage has been fixed by an award made under the Conciliation and Arbitration Act 1904 of the Commonwealth, as subsequently amended, or made under the Industrial Arbitration Act, 1940, or has been fixed by an industrial agreement made pursuant to or registered under either of those Acts—means the period of service during which the remuneration applicable to the officer was at a rate not lower than the lowest rate fixed under the award or industrial agreement for an adult male or adult female in the same trade, classification, rank, position, grade or calling as the officer;
  - (b) in the case of an officer being an apprentice the terms of whose employment are governed by an award applicable only to apprentices—means the period of service during which the remuneration applicable to the officer was at a rate not less than the rate prescribed by the award covering a journeyman carrying out work in the same trade, classification, rank, position, grade or calling as the officer; and
  - (c) in the case of an officer employed to do any work for which no rate or wage has been fixed by an award or industrial agreement referred to in paragraph (a)—means the period of service during which the officer was not less than 21 years of age.
- (5) Any officer who has acquired a right to leave under subclause (1) or (3) shall upon the termination of his services be paid forthwith instead of that leave the money value thereof as a gratuity in addition to any gratuity to which he may be otherwise entitled.
- (6) Any leave to which an officer is entitled under subclause (1) shall, if taken before the retirement of the officer, be so taken at such time as the exigencies of the relevant Authority’s services permit.
- (7) Where an officer has acquired a right under subclause (1) to leave with pay and dies before entering upon it, or after entering upon it dies before its termination, the widow or the widower of the officer, or if there is no such widow or widower the children of the officer, or if there is no such widow, widower or children the person who, in the opinion of the relevant Authority, was, at the time of the death of the officer, a dependent relative of the officer, is entitled to receive the money value of the leave not taken or not completed, computed at the rate of salary the officer received at the time of his or her death.

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*Transport Authorities.*

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SCHEDULE 4—*continued.*

STAFF LEAVE ENTITLEMENTS—*continued.*

(8) Where an officer with at least 5 years' service as an adult and less than 10 years' service as referred to in subclause (3) dies, the widow or widower of the officer, or if there is no such widow or widower the children of the officer, or if there is no such widow, widower or children such person as, in the opinion of the relevant Authority was, at the time of the death of the officer, a dependent relative of the officer, is entitled to receive the money value of the leave which would have accrued to the officer had his or her services terminated as referred to in subclause (3), computed at the rate of salary the officer received at the time of his or her death.

(9) Where there is a guardian of any children entitled under subclause (7) or (8), the payment to which any such children are entitled may be made to the guardian for their maintenance, education and advancement.

(10) Where there is no person entitled under subclause (7) or (8) to receive the money value of any leave not taken or completed by an officer or which would have accrued to the officer payment in respect thereof shall be made to the personal representatives of the officer.

(11) Where payment of the money value of leave has been made under this clause, no action may be brought for payment of any amount in respect of the leave.

(12) No officer shall be entitled to benefits under subclause (1) or (3) as well as to benefits of the like nature under the provisions of any other enactment for the same period of service.

(13) For the purposes of this clause, "service" includes service with the State Rail Authority, Urban Transit Authority and Department of Motor Transport or any of their predecessors.

(14) For the purposes of subclause (1), "service" includes any period of leave without pay taken before the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1963, and shall in the case of an officer who has completed at least 10 years' service (any period of leave without pay taken before that commencement being included therein and any period of leave without pay taken after that commencement being excluded therefrom) include any period of leave without pay taken after such commencement where that period does not exceed 6 months.

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*Transport Authorities.*


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SCHEDULE 4—*continued.*STAFF LEAVE ENTITLEMENTS—*continued.*

(15) For the purposes of subclause (3), “service” does not include any period of leave without pay whether taken before or after the commencement of the Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1963.

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Sec. 47 (8).

## SCHEDULE 5.

## STAFF COMPENSATION ENTITLEMENTS.

Interpre-  
tation.

## 1. In this Schedule—

“former provisions” means sections 100B–100E of the Government Railways Act, 1912, or sections 124–124c of the Transport Act, 1930, as respectively in force before the appointed day;

“officer” means an officer of the State Rail Authority or the Urban Transit Authority;

“relevant Authority”, in relation to an officer, means the Authority of which he is an officer;

“Workers’ Compensation Commission” means the Workers’ Compensation Commission of New South Wales.

Officer  
incapaci-  
tated  
by injury.

2. (1) Where an officer has been incapacitated by injury arising out of and in the course of his employment so as to be unable to perform the duties of the classification to which at the date of the injury he had been appointed, he shall, except where the injury was caused by his own serious and wilful misconduct, be paid, during that incapacity, not less than the salary for the time being payable to officers with the same classification and with the same length of service therein as the officer had at the date he received the injury, but that salary shall cease to be payable when the officer is retired from or otherwise leaves the service of the relevant Authority.

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*Transport Authorities.*

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SCHEDULE 5—*continued.*STAFF COMPENSATION ENTITLEMENTS—*continued.*

(2) Where an officer who has been incapacitated by injury arising out of and in the course of his employment was, at the date of any such injury, and had been, for a continuous period of not less than 4 months immediately preceding that date, or for periods amounting to 4 months in the aggregate, during the period of 12 months immediately preceding that date, employed upon duties of a classification (in this subclause referred to as the "higher classification") carrying a higher salary than the classification to which at that date he had been appointed, and where the incapacity is such that the officer is by reason thereof unable to perform the duties of the higher classification, he shall, except where the injury was caused by his own serious and wilful misconduct, be paid, during that incapacity, not less than the salary for the time being payable to officers performing duties in the higher classification (not being officers who have been appointed thereto) with the same length of service upon those duties as such officer had at the date he received the injury, but that salary shall cease to be payable when the officer is retired from or otherwise leaves the service of the relevant Authority.

(3) An officer who has been incapacitated by injury arising out of and in the course of his employment shall, except where any such injury was caused by his own serious and wilful misconduct, be entitled, in addition to any payment under subclause (1) or (2), to the cost of such medical or hospital treatment or ambulance service as may be reasonably necessary having regard to the injury received by the officer.

(4) The provisions of section 10 (2) to (7), both subsections inclusive, of the Workers' Compensation Act, 1926, shall, *mutatis mutandis*, apply to and in respect of any such medical or hospital treatment or ambulance service as is referred to in subclause (3).

(5) Where the injury for which any amount is payable under this clause was caused under circumstances creating a legal liability in some person other than the relevant Authority (or any of its predecessors) to pay damages in respect thereof—

(a) the officer who has been so incapacitated may take proceedings both against that person to recover damages and against the relevant Authority to recover the amount payable under this clause but shall not be entitled to retain both damages and that amount, and—

(i) if the officer recovers firstly the amount payable under this clause and secondly damages he shall be liable to repay to the Authority out of those damages the amount

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*Transport Authorities.*


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SCHEDULE 5—*continued.*STAFF COMPENSATION ENTITLEMENTS—*continued.*

which the Authority has paid under this clause in respect of the officer's injury and the officer shall not be entitled to payment of any further amounts under this clause; or

- (ii) if the officer firstly recovers those damages he shall not be entitled to recover any amount under this clause;
- (b) if the officer has recovered any amount under this clause the relevant Authority shall be entitled to be indemnified by the person so liable to pay damages; or
- (c) where any payment is made under the indemnity and, at the time of the payment, the officer has not obtained judgment for damages against the person paying under the indemnity, the payment shall, to the extent of its amount, be a defence to proceedings by the officer against that person for damages.

**Re-employed officers.**

3. (1) Except as provided in subclause (2), any officer who, after having been retired from or having otherwise left the service of an Authority, has been re-employed in that service, shall not, by reason of any incapacity resulting from injury received during his former period of employment, be entitled to payment of salary at a rate ascertained in accordance with clause 2.

(2) When any officer who has been retired from or has otherwise left the service of an Authority as a result of incapacity occasioned by injury arising out of and in the course of his employment, is re-employed in that service, the following provisions shall have effect:—

- (a) Where the officer was so re-employed by reason of having been required pursuant to section 119 of the Government Railways Act, 1912, to resume his duties or to undertake other duties, he shall be entitled, while he remains in the service of the Authority, to payment of salary at a rate ascertained in accordance with clause 2.
- (b) Where the officer was so re-employed by reason of having been required by the Authority to resume his duties or to undertake other duties, and at the date he was so re-employed was receiving weekly payments by way of compensation—
  - (i) he shall, if he so elects, be entitled, while he remains in the service of the Authority, to payment of salary at a rate ascertained in accordance with clause 2; and



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*Transport Authorities.*


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SCHEDULE 5—*continued.*STAFF COMPENSATION ENTITLEMENTS—*continued.*

- (ii) if he does so elect, he shall, as from the date of the election, cease to be entitled to any such weekly payments by way of compensation.

4. (1) Subject to section 37 of the Workers' Compensation Act, 1926, the Workers' Compensation Commission shall have exclusive jurisdiction to examine into, hear and determine all matters and questions arising under clause 2 (1), (2) and (3) and clause 3 (2), and the action or decision of that Commission shall be final.

(2) Without affecting the generality of subclause (1), the jurisdiction of the Workers' Compensation Commission shall extend to determining—

- (a) the question whether an injury received by an officer entitles him to the benefits of clause 2 or clause 3 (2); and
- (b) the rate at which salary is payable to an officer who is entitled to the benefits of clause 2 or clause 3 (2).

(3) For the purposes only of Part IV (sections 36 (4), 40, 41, 42 and 42A excepted) and section 50 of the Workers' Compensation Act, 1926, the jurisdiction conferred on the Workers' Compensation Commission by section 36 of that Act shall be deemed to include the jurisdiction conferred by this clause.

(4) The provisions of sections 51, 53B, 53C, 53D, 56, 62A and 70 of the Workers' Compensation Act, 1926, and, except in so far as the rules made under that Act otherwise provide, those rules shall apply to and in respect of proceedings with respect to any matter or question that is within the jurisdiction of the Workers' Compensation Commission by virtue of this clause in the same way as they apply to and in respect of proceedings with respect to any matter or question that is within the jurisdiction of that Commission by virtue of section 36 of that Act.

(5) Without affecting the generality of the foregoing provisions of this clause, the power to make rules conferred on the Workers' Compensation Commission by the Workers' Compensation Act, 1926, extends to the making of rules for or with respect to—

- (a) regulating the procedure and practice of that Commission in dealing with proceedings with respect to any matter or question that is within the jurisdiction of that Commission by virtue of this clause, including the commencement of those proceedings; and

Jurisdiction of Workers' Compensation Commission in proceedings re clauses 2 (1) (2) and (3) and 3 (2).

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*Transport Authorities.*


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 SCHEDULE 5—*continued.*


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 STAFF COMPENSATION ENTITLEMENTS—*continued.*

- (b) prescribing all matters that are necessary or convenient to be prescribed by rules in relation to the exercise of the jurisdiction conferred upon that Commission by this clause.

(6) Where, but for the enactment of this clause, any provisions of this Act, the Government Railways Act, 1912, or the Transport Act, 1930, would have applied to or in respect of any proceedings in any court with respect to any person's entitlement under clause 2 (1), (2) or (3) or clause 3 (2), those provisions shall apply to or in respect of any such proceedings in the Workers' Compensation Commission.

Election between rights under clause 2, and right to compensation or damages.

5. (1) Where an officer has, pursuant to clause 2, become entitled to payment of salary at a rate ascertained in accordance with that clause, he shall, to the exclusion of any right while he remains in the service of the relevant Authority to compensation or damages against the Authority, continue to be so entitled during incapacity attributable to the injury and while he remains in that service unless he elects to make a claim against the Authority for compensation or damages.

(2) Any such election may be made by notice in writing given to the relevant Authority or by the institution of proceedings for the recovery of compensation or damages.

(3) Any such election shall be made as soon as practicable after the injury was sustained, but not in any case later than 12 months after the beginning of the first period of incapacity resulting from the injury.

(4) Where any such election is made—

- (a) the officer shall, as from the date of the election, cease to be entitled to payment of the salary at the rate ascertained under clause 2; and
- (b) any payment made to the officer before the date of the election by way of salary at the rate so ascertained, after making due allowance, in the case where the officer returns to duty before the date of the election, for any salary properly payable to him in respect of the duties of the classification in which he is employed after his return to duty and before the date of the election, shall, to the extent of its amount—
- (i) be a defence to a claim against the Authority for damages; and

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*Transport Authorities.*


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SCHEDULE 5—*continued.*STAFF COMPENSATION ENTITLEMENTS—*continued.*

- (ii) be set off against any sum which becomes payable by the Authority as compensation (including the cost of medical or hospital treatment or ambulance service).

## 6. (1) An officer who—

- (a) is a contributor to the Government Railways Superannuation Account or to the State Superannuation Fund;
- (b) has been incapacitated from the further discharge of his duties by injury arising out of and in the course of his employment, not being an injury caused by his own serious and wilful misconduct; and
- (c) by reason of that incapacity has been retired or has otherwise left the service of the relevant Authority,

Election between superannuation benefits, etc., and right to compensation or damages from Authority.

shall be entitled to the benefits conferred by Part IX of the Government Railways Act, 1912 (other than the gratuity referred to in section 116 of that Act), or to the benefits conferred by the Superannuation Act, 1916, as the case may be, and in addition thereto, shall be entitled to make an election—

- (d) where he is a contributor to the Government Railways Superannuation Account—
  - (i) to claim the gratuity referred to in section 116 of the Government Railways Act, 1912, in which case he shall not be entitled to make any other claim, whether for compensation or damages, against the relevant Authority;
  - (ii) to make a claim for compensation, in which case he shall not be entitled to claim any such gratuity or to make any claim for damages against the relevant Authority; or
  - (iii) to make a claim for damages against the relevant Authority, in which case—
    - (A) if he succeeds in his claim for damages he shall not be entitled to claim any such gratuity or to make any claim against the Authority for compensation; or

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*Transport Authorities.*


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SCHEDULE 5—*continued.*STAFF COMPENSATION ENTITLEMENTS—*continued.*

- (B) if he does not succeed in his claim for damages he shall be entitled to make a claim against the Authority for compensation but shall not be entitled to claim any such gratuity; or
- (e) where he is a contributor to the State Superannuation Fund—
  - (i) to make a claim for compensation, in which case he shall not be entitled to make any claim for damages against the relevant Authority; or
  - (ii) to make a claim for damages against the relevant Authority, in which case—
    - (A) if he succeeds in his claim for damages he shall not be entitled to make any claim against the Authority for compensation; or
    - (B) if he does not succeed in his claim for damages he shall be entitled to make a claim against the Authority for compensation.

(2) Notwithstanding subclause (1), where the officer concerned has, before being retired from or otherwise leaving the service of the relevant Authority, made a claim for compensation, and has elected, pursuant to section 16 of the Workers' Compensation Act, 1926 (whether as originally enacted or as amended), to accept an amount payable in accordance with the table to that section, the officer shall not be entitled to make any such election or to claim any such gratuity or to make any claim for compensation or damages.

(3) Any such election may be made by notice in writing given to the relevant Authority or by the institution of proceedings against the Authority for the recovery of compensation or damages.

**Application of Schedule.** 7. (1) A reference in this Schedule to service with an Authority shall be read and construed as including a reference to service with any predecessor of an Authority.

(2) Nothing in this Schedule applies to or in respect of an injury received before the appointed day, unless any of the former provisions were applicable to or in respect of the injury before that day.

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*Transport Authorities.*

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SCHEDULE 6.

Sec. 70 (2).

LOANS.

1. (1) Each Authority shall establish a reserve for loan repayment fund in respect of all loans or renewal loans raised by the Authority. Reserve for repayment of loan.

(2) Each Authority shall, during each year, transfer from the revenue of the Authority to its reserve for loan repayment fund a sum not less than the sum that the Authority, in its application for approval of the loan, specified that it proposed to transfer to that fund.

(3) Money held as a reserve for loan repayment may be invested in Government securities of the Commonwealth or the State of New South Wales or in debentures, bonds, inscribed stock or other prescribed securities in any loan of the Authority or in any securities guaranteed by the Government of that State or in such other securities as the Governor may approve or as may be prescribed, in each case at their current market price.

(4) Any interest or profits realised on investments made under sub-clause (3) shall be added to and form part of the reserve for loan repayment fund.

(5) All money paid into the reserve for loan repayment fund in respect of any loan or renewal loan may only be applied in or towards repayment of that or any other loan or renewal loan.

(6) Where the Authority decides to cancel debentures, bonds, inscribed stock or other prescribed securities purchased from money in the reserve for repayment of the loan in respect of which they were issued, the Authority shall, in addition to the sum otherwise payable to the reserve for repayment in respect of that loan and subject to any agreement to which it is a party whereby it undertakes to pay interest at a higher rate to that reserve, pay to that reserve interest at the rate of 4.5 per cent per annum on the face value of the cancelled securities from the date of their cancellation until the maturity of the loan.

(7) The reserve for loan repayment fund shall not be subject to seizure in satisfaction of any debt other than the loan in respect of which the reserve was created.

(8) This clause shall not apply to any loan to be repaid by instalments at intervals of 1 year or less.

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*Transport Authorities.*

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SCHEDULE 6—*continued.*LOANS—*continued.*

Debentures, etc. 2. (1) For securing repayment of the principal and interest on any money borrowed, an Authority may, as provided by the regulations, issue debentures, bonds, inscribed stock or other prescribed securities.

(2) Every such debenture or bond and every coupon originally annexed to the debenture or bond, and whether separated therefrom or not, may be transferred by simple delivery.

(3) Inscribed stock shall be transferable in the books of the Authority in accordance with the regulations.

(4) Debentures, bonds, inscribed stock or prescribed securities issued under this Act shall, as regards both the issue and transfer thereof for full consideration for money or money's worth, be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, contained in the Second Schedule to that Act.

Payment of debentures and coupons. 3. (1) The holder of a coupon originally annexed to a debenture or bond, and whether separated therefrom or not, shall be entitled to receive payment from the relevant Authority of the interest specified in the coupon on its presentation on or after the date when, and at the place where, the interest is payable.

(2) The due repayment of any loan in respect of which debentures, bonds, stock or any other prescribed securities have been issued by the relevant Authority and the interest thereon shall be a charge upon the income and revenue of the Authority and is hereby guaranteed by the Government.

(3) Any liability arising under the guarantee given by subclause (2) shall be discharged out of money provided by Parliament.

(4) The charge created by subclause (2) shall not prejudice or affect any power of the relevant Authority to sell, convey, lease or otherwise deal with, free of the charge, any property vested in it.

Raising loans in any country. 4. (1) Notwithstanding any other provision of this Act, any money which an Authority is authorised to borrow may be borrowed by a loan raised, wholly or in part, in such places outside New South Wales as the Governor on the recommendation of the Minister and with the concurrence of the Treasurer may approve, and may be negotiated and raised in any currency.

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*Transport Authorities.*

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SCHEDULE 6—*continued.*

LOANS—*continued.*

(2) Any such loan may be raised wholly or in part by the issue of debentures, bonds, stock or other securities in any form and containing any term, condition or provision permitted under the law of the place where the loan is raised and the Authority may establish and conduct in that place registries relating to the securities issued in respect of that loan.

(3) The relevant Authority may, in respect of any such loan, agree that a sinking fund shall be established and controlled at such place and in such manner as may be found necessary or expedient in the circumstances of the case and, where any sinking fund is so established, the provisions of clause 1 shall apply with regard to that loan only in respect of the amount, if any, the repayment of which is not provided for by the sinking fund established under the agreement.

(4) In connection with the raising of any loan under this clause, the relevant Authority may enter into such agreements as it thinks fit with respect to the form of the debentures, bonds, stock or other securities referred to in subclause (2), or for the sale of those debentures, bonds, stock or other securities, or the granting of an option to purchase those debentures, bonds, stock or other securities, or for services to be performed by any person in Australia or in any other part of the world in connection with that loan or with the issue, management and redemption of or otherwise with respect to those debentures, bonds, stock or other securities, and any such agreement may be upon such terms and conditions and may contain such provisions for the giving or receipt of consideration as the Authority thinks fit.

(5) Copies of any agreement referred to in subclause (4) shall be forwarded to the Minister who shall lay them, or cause them to be laid, before both Houses of Parliament as soon as possible after the loan is raised.

(6) The Governor may, upon the recommendation of the relevant Authority, by notification published in the Gazette, appoint 2 or more persons to enter into for and on behalf of the Authority all such agreements as the Authority is by this clause authorised to enter into and to sign, execute or otherwise perfect all such agreements, debentures, bonds, stock or other securities as are by this clause provided for and to do all such things as may be necessary or convenient to be done for the purpose of raising any loan under this Act and may, upon the like recommendation and by a like notification, revoke or vary any such appointment and make any fresh appointment.

*Transport Authorities.*SCHEDULE 6—*continued.*LOANS—*continued.*

(7) The production of a copy of the Gazette containing a notification of any appointment referred to in subclause (6) or the revocation thereof shall, in favour of a lender or of any holder of a security, be conclusive evidence of the appointment or revocation.

(8) All debentures, bonds, stock or other securities, bearing the signatures of the persons so appointed in that behalf, shall be deemed to be securities lawfully issued under the seal of the relevant Authority and the principal money and interest secured thereby shall be a charge upon the income and revenue of the Authority from whatever source arising, and the due repayment of that principal money and that interest is hereby guaranteed by the Government, and all agreements and any instruments purporting to be made or issued under the authority of this clause and bearing the signatures of those persons shall be deemed to have been lawfully made or issued by the Authority and, if they purport to have been sealed by those persons, to have been lawfully executed by the Authority under seal.

(9) A holder of any such debenture, bond, stock or other security shall not be bound to inquire whether the issue of the debenture, bond, stock or security was, in fact, duly authorised.

(10) Subject to this clause and the law in force in the place where any loan is raised under this clause and applicable to that loan and the securities issued in connection therewith, the provisions of this Schedule, other than clauses 2 (1), 7 (3) and 7 (4), shall apply to and in respect of that loan and those securities in the same way as they apply to and in respect of any other loan and any other securities.

Other  
methods  
of raising  
loans.

5. (1) This clause applies to and in respect of a loan, wherever raised, where the Governor, on the recommendation of the Minister and with the concurrence of the Treasurer, approves (as referred to in section 70 (1)) of the loan in and by an instrument which specifies that it is a loan to which this clause applies.

(2) Except as provided in this clause, the provisions of this Schedule do not apply to or in respect of a loan to which this clause applies.

(3) A loan to which this clause applies may be—

(a) raised in such amounts and in such currencies;



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*Transport Authorities.*

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SCHEDULE 6—*continued.*

LOANS—*continued.*

- (b) raised in such manner and on such terms and conditions; and
- (c) secured by such securities, if any,

as the Governor, on the recommendation of the Minister and with the concurrence of the Treasurer, approves in and by the instrument referred to in subclause (1) or in that instrument by reference to another instrument.

(4) Any security or other instrument issued or executed by the relevant Authority or the Government in respect of a loan to which this clause applies shall, both as regards its issue or execution and its transfer or assignment, be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, contained in the Second Schedule to that Act.

(5) The Governor may, upon the recommendation of the relevant Authority, appoint 2 or more persons for and on behalf of the Authority to enter into any securities or other instruments in respect of a loan to which this clause applies and to sign, execute or otherwise perfect all such securities or other instruments, and to do all such things as may be necessary or convenient to be done for the purpose of raising the loan under this Act, and may upon the like recommendation revoke or vary any such appointment and make any fresh appointment.

(6) The production of a copy of the Gazette containing a notification of any appointment or revocation under subclause (5) shall in favour of a lender, of the holder of any security or of a person to whom the benefit under any such instrument is assigned be conclusive evidence of the appointment or revocation.

(7) The due payment of any amounts payable by an Authority to the lender in respect of any loan to which this clause applies is a charge on the income and revenue of the Authority, from whatever source arising, and is hereby guaranteed by the Government, and, where any agreement to which the Government is a party specifies any terms or conditions upon or subject to which the due payment of those amounts is so guaranteed, the due payment of those amounts is so guaranteed upon or subject to those terms and conditions.

(8) An agreement with respect to a loan to which this clause applies and to which the Government and an Authority are parties may require the Government to make any payment for which the Authority would, under the agreement, be liable but for its being precluded from making the payment by any law in force in New South Wales.

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*Transport Authorities.*

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SCHEDULE 6—*continued.*LOANS—*continued.*

(9) The Consolidated Revenue Fund is hereby appropriated for the purpose of meeting any liability in respect of any guarantee referred to in subclause (7) and any liability of the Government arising under any agreement referred to in subclause (8).

(10) The provisions of—

- (a) clauses 10, 11, 12 and 13 apply to and in respect of the appointment of a receiver by reason of any default being made by an Authority in making any payment in respect of a loan to which this clause applies and to and in respect of a receiver appointed by virtue of the application of clause 10 by this subclause in the same way as those clauses apply to and in respect of the appointment of a receiver by reason of any default being made by the Authority in making any payment, whether of principal or interest, to the holder of any debenture, or coupon, issued, or stock inscribed, by the Authority and to and in respect of a receiver appointed under clause 10;
- (b) clause 8 (1) apply to and in respect of a person advancing money to the Authority by way of a loan to which this clause applies in the same way as they apply to and in respect of a person advancing money to the Authority as referred to in clause 8 (1);
- (c) clause 8 (2) apply to and in respect of a notification in the Gazette of the approval of the Governor having been given to a loan to which this clause applies in the same way as they apply to and in respect of a notification in the Gazette of the approval of the Governor having been given to a borrowing referred to in clause 8 (2);
- (d) clause 9 apply to and in respect of a loan to which this clause applies as if the reference in that clause to other securities which are secured upon the income and revenue of the Authority included a reference to such a loan; and
- (e) any other clause of this Schedule (being a clause that, in an agreement between the Authority and the lender with respect to a loan to which this clause applies, is specified as being a clause that applies to and in respect of the loan or as being a clause that, with such modifications or additions as are so specified, applies to and in respect of the loan) apply or apply with those modifications or additions, as the case may be, to and in respect of the loan.

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*Transport Authorities.*

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SCHEDULE 6—*continued.*

LOANS—*continued.*

6. (1) Any trustee, unless expressly forbidden by any instrument creating the trust, may invest any trust money in his hands in stock inscribed by an Authority or in any debentures, bonds or other securities issued in accordance with this Act, and the investment shall be deemed to be a security authorised by the Trustee Act, 1925. Trustees.

(2) Any debenture or bond issued, stock inscribed, or other security issued, in pursuance of this Act, shall be a lawful investment for any money which any company, council or body corporate, incorporated by any Act, is authorised or directed to invest in addition to any other investment authorised for the investment of that money.

(3) No notice of any express, implied or constructive trust shall be received by an Authority by any officer of the Authority in relation to any debenture or coupon issued or stock inscribed by the Authority.

7. (1) If any debenture or bond issued by an Authority is lost, destroyed or defaced before it has been redeemed, the Authority may, subject to the provisions of this clause, issue a new debenture or bond in its place. Lost debentures.

(2) A new debenture or bond, issued under subclause (1) with interest coupon annexed, shall bear the same date, number, principal sum and rate of interest as the lost, destroyed or defaced debenture or bond.

(3) Where a debenture or bond is lost or destroyed, a new debenture or bond shall not be issued unless—

- (a) it has been established to the satisfaction of the Supreme Court that the debenture or bond has been lost or destroyed before redemption;
- (b) such advertisements as the Court may direct have been published;
- (c) 6 months have elapsed since the publication of the last of those advertisements; and
- (d) sufficient security has been given to the relevant Authority to indemnify it against any double payment if the missing debenture or bond is at any time thereafter presented for redemption.

(4) Where a debenture or bond is defaced, a new debenture or bond shall not be issued unless and until the defaced debenture or bond is lodged with the relevant Authority for cancellation.

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*Transport Authorities.*

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SCHEDULE 6—*continued.*LOANS—*continued.*

(5) The provisions of this clause shall apply to and in respect of a lost, destroyed or defaced coupon in the same way as they apply to and in respect of a lost, destroyed or defaced debenture or bond.

(6) Notwithstanding any other provision of this clause, in the case of loss, theft, destruction, mutilation or defacement of any debenture or bond issued under clause 4, a duplicate or new debenture or bond may be issued upon proof to the satisfaction of the relevant Authority of the loss, theft or destruction, or upon surrender of the mutilated or defaced debenture or bond, as the case may be, and upon the Authority receiving security or indemnity satisfactory to it against double payment if the missing debenture or bond is at any time thereafter presented for payment.

Protection  
of  
investors.

8. (1) A person advancing money to an Authority shall not be bound to inquire into the application of the money advanced or be in any way responsible for its non-application or misapplication.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by an Authority shall, in favour of a lender and of any holder of any security given by the Authority, be conclusive evidence that all conditions precedent to the borrowing have been complied with and, where the approval notified is to a borrowing by the Authority in a place outside New South Wales and in a particular currency, shall also be conclusive evidence in favour of those persons of the approval of the Governor to the borrowing in the place and in the currency specified in the notification.

Securities  
rank  
equally.

9. All debentures, bonds, stock or other securities which are secured upon the income and revenue of an Authority shall rank *pari passu* without any preference one above another by reason of priority of date or otherwise.

Receivers.

10. (1) If for 6 months default is made by an Authority in making any payment, whether of principal or interest, to the holder of any debenture, or coupon, issued or stock inscribed by the Authority, the holder thereof may apply to the Supreme Court for the appointment of a receiver of the income of the Authority.

(2) A receiver may be appointed in respect of the income of the Authority either generally or as regards specified income.

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*Transport Authorities.*

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SCHEDULE 6—*continued.*

LOANS—*continued.*

(3) The Supreme Court may make such orders and give such directions as it may deem proper for and with respect to all or any of the following matters:—

- (a) the appointment of a receiver;
- (b) the removal of a receiver;
- (c) the appointment of a receiver in place of a receiver previously appointed.

(4) The receiver shall be deemed to be an officer of the Supreme Court, and shall act under its directions.

11. (1) A receiver shall have power to collect all income payable to the relevant Authority which he has by order of the Supreme Court been so authorised to collect and for the purposes of this subclause the receiver shall be deemed to be the Authority and may exercise all the powers of the Authority. Powers and duties of receivers.

(2) The receiver shall discharge such duties of the Authority or of any officers of the Authority as may be prescribed.

12. The receiver shall be entitled to such commission or remuneration for his services as the Supreme Court may order, and the commission or remuneration shall be payable out of the income for and in respect of which he has been appointed receiver. Commission to receiver.

13. The receiver shall, subject to any order of the Supreme Court, pay and apply all money received by him in the following order, that is to say— Application of money received.

- (a) firstly, in payment of the costs, charges, and expenses of collection, and of his commission or remuneration;
  - (b) secondly, in the payment of the amount due and payable to the holder of the debenture or inscribed stock or coupon, as the case may be; and
  - (c) thirdly, in payment of all the residue of the money to the relevant Authority.
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*Transport Authorities.*

Sec. 86.

## SCHEDULE 7.

## REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1951, No. 11 ..	Sydney Harbour Transport Act, 1951.	The whole Act.
1952, No. 24 ..	Transport (Division of Functions) Further Amendment Act, 1952.	Section 8.
1965, No. 33 ..	Decimal Currency Act, 1965 ..	So much of the Second Schedule as related to Act No. 11, 1951.
1970, No. 52 ..	Supreme Court Act, 1970 ..	So much of the Second Schedule as amended Act No. 11, 1951.
1972, No. 41 ..	Supreme Court (Amendment) Act, 1972.	Paragraph (al) of the Second Schedule.
1972, No. 53 ..	Public Transport Commission Act, 1972.	The whole Act.
1974, No. 32 ..	Public Transport Commission (Amendment) Act, 1974.	The whole Act.
1974, No. 81 ..	Public Transport Commission and Sydney Harbour Transport (Amendment) Act, 1974.	The whole Act.
1975, No. 58 ..	Public Transport Commission (Amendment) Act, 1975.	The whole Act.
1976, No. 4 ..	Statutory and Other Offices Remuneration Act, 1975.	So much of Schedule 5 as amended Act No. 53, 1972.
1976, No. 30 ..	Public Transport Commission (Amendment) Act, 1976.	The whole Act.
1977, No. 6 ..	Public Transport Commission (Amendment) Act, 1977.	The whole Act.
1977, No. 19 ..	Notice of Action and Other Privileges Abolition Act, 1977.	So much of Schedule 1 as amended Act. No. 11, 1951, and Act No. 53, 1972.
1978, No. 117 ..	Public Transport Commission (Financial Accommodation) Amendment Act, 1978.	The whole Act.
1979, No. 205 ..	Miscellaneous Acts (Planning) Repeal and Amendment Act, 1979.	So much of Schedule 1 as relates to Act No. 53, 1972.

*Transport Authorities.*

## SCHEDULE 8.

Sec. 87.

## SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. In this Schedule, "Commission" means the Public Transport Commission. Interpretation.

2. (1) On the appointed day, the Commission is dissolved.

(2) A person who, immediately before the appointed day, held office as a commissioner of the Commission and who ceased to hold that office by reason of the operation of this Act, is not entitled to be paid any remuneration or compensation by reason of his so ceasing to hold that office. Dissolution of Public Transport Commission.

3. (1) On and from the appointed day—

- (a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to the Commission shall vest in and belong to the State Railway Authority (in this subclause referred to as "the Authority");
- (b) all money and liquidated and unliquidated claims that, immediately before that day, was or were payable to or recoverable by the Commission shall be money and liquidated and unliquidated claims payable to or recoverable by the Authority;
- (c) all proceedings pending immediately before that day at the suit of the Commission shall be deemed to be proceedings pending on that day at the suit of the Authority and all proceedings so pending at the suit of any person against the Commission shall be deemed to be proceedings pending at the suit of that person against the Authority;
- (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the Commission and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Authority;
- (e) the Authority may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this subclause and for the prosecution of proceedings so referred to as the Commission might have done but for the enactment of this Act;

Transfer of assets, etc., of Commission.

*Transport Authorities.*SCHEDULE 8—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (f) the Authority may enforce and realise any security or charge existing immediately before that day in favour of the Commission and may exercise any powers thereby conferred on the former Commission as if the security or charge were a security or charge in favour of the Authority;
- (g) all debts, money and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Commission shall be debts due by, money payable by and claims recoverable against, the Authority; and
- (h) all liquidated and unliquidated claims for which the Commission would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Authority shall be liable.

(2) Subject to this Act, any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of the Commission shall, to the extent that but for the enactment of this Act that act, matter or thing would on or after that day have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the State Rail Authority.

(3) No attornment to the State Rail Authority by a lessee from the Commission shall be required.

Construction of certain references.

4. (1) On and from the appointed day, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or a different kind, being a reference to, or a reference to be read or construed as a reference to, or deemed or taken to refer to the Commission, the Commissioner for Railways or the Commissioner for Government Transport shall be read and construed as a reference to the State Rail Authority, except to the extent that the reference is made in relation to a function that is by or under this or any other Act conferred or imposed (otherwise than by a delegation) on the Urban Transit Authority.

(2) On and from the appointed day, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or a different kind, being a reference to, or a reference to be read or construed as a reference to, or deemed or taken to refer to the Commission, the Commissioner for Railways or the Commissioner for Government Transport, in connection with any of the functions referred to in section 34 or 35, shall be read and construed as a reference to the Urban Transit Authority.



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*Transport Authorities.*

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SCHEDULE 8—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(3) On and from the appointed day, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or a different kind, being a reference to, or a reference to be read or construed as a reference to, or deemed or taken to refer to—

- (a) the Chief Commissioner, Deputy Chief Commissioner or any other commissioner of the Commission shall be read and construed as a reference to a member of the State Rail Authority appointed in that behalf by the Authority; or
- (b) the chairman or any other member of the Sydney Harbour Transport Board shall be read and construed as a reference to a member of the Urban Transit Authority appointed in that behalf by the Authority.

(4) Notwithstanding the foregoing subclauses of this clause, on and from the appointed day, the references in section 270D (2) (d) of the Local Government Act, 1919, to the Public Transport Commission of New South Wales, a commissioner of that Commission nominated by that Commission and an officer of that Commission so nominated shall be read and construed as references to the Urban Transit Authority, a member of that Authority nominated by that Authority and a member of that Authority so nominated, respectively.

(5) Without affecting subclause (4), the amendment made by section 33 of the Public Transport Commission Act, 1972, to the Local Government Act, 1919, continues to have the same force and effect as if that section had not been repealed by this Act.

5. (1) The balances (as at 30th June, 1980) of—

- (a) the Government Railways Fund;
- (b) the Government Railways Renewals Fund; and
- (c) all other funds and accounts kept at the Treasury in relation to the Commission, other than—
  - (i) the funds and account to be paid into the Urban Transit Authority Fund pursuant to subclause (2); and
  - (ii) the Government Railways Superannuation Account and any other fund or account established for or in connection with a scheme, fund or arrangement under which any superannuation or retirement benefits are provided,

Funds and  
accounts.

shall be paid into the State Rail Authority Fund.

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*Transport Authorities.*


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SCHEDULE 8—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(2) The balances (as at 30th June, 1980) of—

- (a) the Metropolitan Transport Trust General Fund;
- (b) the Newcastle and District Transport Trust General Fund; and
- (c) the Public Transport Commission of New South Wales Ferry Services Account within the Special Deposits Account at the Treasury,

shall be paid into the Urban Transit Authority Fund.

(3) Where, but for this Act, any amounts would be payable, pursuant to any Act, to or in respect of the Commission by the Treasurer in respect of the period commencing on 1st July, 1980, and ending on 30th September, 1980, both dates inclusive, those amounts shall be payable into the Funds in such proportions as the Treasurer determines, as if that Act authorised those payments.

(4) Any amount paid under subclause (3) pursuant to the Audit Act, 1902, as a contribution to meet losses shall be deemed to be received by way of revenue supplement, as referred to in section 66.

Constitu-  
tion of  
Joint  
Committees.

6. (1) For the purpose of determining what assets, debts and liabilities of the Commission should be those of the respective Authorities, there shall, on and from the appointed day, be—

- (a) a Technical Joint Committee; and
- (b) a Finance Joint Committee,

which shall have and may exercise the functions conferred or imposed on them respectively by this Schedule.

(2) The Technical Joint Committee shall consist of—

- (a) a chairman, being a person appointed by the State Rail Authority to represent it for the time being; and
- (b) 2 other persons, one each appointed by each of the other Corporations to represent it for the time being.

(3) The Finance Joint Committee shall consist of—

- (a) a chairman, being the Auditor-General or a person appointed by him to act on his behalf for the time being;

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*Transport Authorities.*


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SCHEDULE 8—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (b) the Under Secretary of the Treasury or a person appointed by him to act on his behalf for the time being; and
  - (c) 2 other persons, one each appointed by each Authority to represent it for the time being.
- (4) The chairman of a Joint Committee shall preside at all meetings of the Committee.

7. (1) The functions of the Technical Joint Committee are—
- (a) to determine what assets, being equipment, land and works of the Commission, are to be assets of the Authorities respectively; and
  - (b) to determine what records (including books, documents and papers), being records held by the Commission and relating to the equipment, land and works of the Commission, are to be records of the Authorities respectively.

Functions  
of  
Technical  
Joint  
Committee.

(2) Where a determination has been made under this clause, a record thereof shall be filed in the office of each Authority, and a copy transmitted to the Minister for record purposes.

(3) A determination made under subclause (1) shall be given effect to by the Authorities.

(4) In the event of a difference between the members of the Technical Joint Committee, the difference shall be determined in such manner as the Minister determines.

8. (1) The functions of the Finance Joint Committee (in addition to its functions under clause 11) are—
- (a) to determine what assets of the Commission, not being assets referred to in clause 7 (1) (a), are to be assets of the Authorities respectively;
  - (b) to determine (by apportionment or otherwise) what debts and liabilities of the Commission are to be debts and liabilities of the Authorities respectively;
  - (c) to determine what records (including books, documents and papers) of the Commission, not being records referred to in clause 7 (1) (b), are to be records of the Authorities respectively; and

Functions  
of  
Finance  
Joint  
Committee.

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*Transport Authorities.*


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SCHEDULE 8—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (d) to determine how the expense of meeting payments on account of the leave entitlements or on the retirement or death or other termination of the employment of an officer or employee of the Commission transferred to the service of an Authority by or under this Act should be apportioned between the Authorities.

(2) Where a determination has been made under this clause, a record thereof shall be filed in the office of each Authority, and a copy transmitted to the Minister for record purposes.

(3) A determination made under subclause (1) (a), (b) or (c) shall be given effect to by the Authorities.

(4) A determination made under subclause (1) (d) shall be given effect to by the Authorities, subject to and in accordance with any directions given by the Minister from time to time.

(5) Questions arising at any meeting of the Finance Joint Committee shall be determined by a majority of votes of the members.

(6) In the event of an equality of votes at any meeting of the Finance Joint Committee, the chairman shall have, in addition to a deliberative vote, a second or casting vote.

Completion  
of Joint  
Committees'  
duties.

9. (1) Each Joint Committee established by this Schedule shall complete the exercise of its functions within 6 months after the appointed day or such longer period as the Governor may approve in relation to the Committee.

(2) The Governor may, if he is satisfied that a Joint Committee has completed the exercise of its functions, dissolve the Committee.

Vesting  
of certain  
assets,  
etc., in  
Urban  
Transit  
Authority.

10. (1) Without affecting anything in clause 7 or 8, the Governor may, by proclamation published in the Gazette, declare that any assets, debts or liabilities referred to in either of those clauses and specified or referred to in the proclamation belong to the Urban Transit Authority.

(2) A proclamation may be published under subclause (1) in respect only of assets, debts and liabilities that are determined under clause 7 or 8 to be those of the Urban Transit Authority.

*Transport Authorities.*SCHEDULE 8—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(3) The provisions of clause 3 (3)—(5) apply to and in respect of the assets, debts or liabilities to which a proclamation under subclause (1) relates in the same way as they apply to and in respect of the things therein referred to, and so apply as if references to—

- (a) the appointed day were references to the date of publication in the Gazette of the proclamation or a later date specified in the proclamation;
- (b) the State Rail Authority were references to the Urban Transit Authority; and
- (c) the Public Transport Commission were references to the State Rail Authority.

11. (1) The Finance Joint Committee shall, within 6 months after the appointed day or such longer period as the Governor may approve, prepare and present to the Governor a report setting out what it considers to be the capital value of the assets, debts and liabilities of the Commission which have, under clauses 7 and 8, been determined to be assets, debts and liabilities of each Authority. Capital value of assets of Commission.

(2) The net capital value of the assets, debts and liabilities of an Authority, being assets, debts and liabilities of the Authority as referred to in subclause (1), shall, as on and from the appointed day, be such amount as the Governor specifies by proclamation published in the Gazette.

12. (1) For the purposes of enabling the members of a Corporation to take office on or after, but not before, the appointed day, and for any incidental purpose (including the holding of elections), this Act shall be deemed to have commenced on the date of assent to this Act. Elections.

(2) For the purposes of any election held under this Act before the appointed day, the definition of “eligible person” in clause 1 of Schedule 1 shall be deemed to be omitted, and a reference in that clause to an eligible person shall be construed in accordance with the regulations.

13. (1) Subject to subclause (2), all officers of the Commission shall, on the appointed day, become and be officers of the State Rail Authority. Staff of the Commission.

(2) If the Minister so directs before the appointed day, an officer referred to in subclause (1) and specified or referred to in the direction shall, on that day, become and be an officer of the Urban Transit Authority.

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*Transport Authorities.*

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SCHEDULE 8—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- Audit of Commission's accounts. 14. In relation to the accounts of the Commission for the 12 months ending on 30th June, 1980—
- (a) the accounts shall be audited by the Auditor-General in the same way as if this Act had not been enacted;
  - (b) the Auditor-General shall have and may exercise any functions that he would have had but for the enactment of this Act; and
  - (c) the Auditor-General shall have and may exercise, in relation to members and officers of the Corporations, any functions that he could have exercised in relation to members and officers of the Commission but for the enactment of this Act.
- Fares. 15. The fares, tolls or charges applicable immediately before the appointed day in respect of rail, omnibus or ferry services provided by the Commission shall be deemed to have been determined in respect of the same services by orders made under section 71.
- Annual report of Commission. 16. (1) As soon as practicable after 30th June, 1980, but on or before 31st December, 1980, the State Rail Authority shall prepare and submit to the Minister a report of the work and activities of the Commission for the 12 months ending on 30th June, 1980.
- (2) The Minister shall lay the report or cause it to be laid before both Houses of Parliament as soon as practicable after the receipt by him of the report.
  - (3) The report under subclause (1) shall include any report referred to in section 31 (3) of the Public Transport Commission Act, 1972, in respect of the 12 months ending on 30th June, 1980.
  - (4) The report referred to in subclause (1) shall be prepared by the State Rail Authority from such information as is available to it.
- Regulations under the Public Transport Commission Act, 1972. 17. Any regulations in force under the Public Transport Commission Act, 1972, immediately before the appointed day shall, to the extent that they could have been made on or after that day, be deemed to have been made under this Act.

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*Transport Authorities.*

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SCHEDULE 8—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

18. (1) The Governor may make regulations containing other provisions **Regulations.** of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision made under subclause (1) may take effect as from the appointed day or a later day.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

(4) A provision made under subclause (1) shall, if the regulations under this clause so provide, have effect notwithstanding any other clause of this Schedule.

(5) Notwithstanding subclause (4), the regulations under this clause may not be inconsistent with clause 2.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 1st May, 1980.*

