

**TRANSPORT AUTHORITIES (AMENDMENT) ACT, 1984,
No. 28**

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 28, 1984.

An Act to amend the Transport Authorities Act, 1980, in relation to the manner in which certain persons holding office under that Act vacate office under that Act. [Assented to, 6th June, 1984.]

Transport Authorities (Amendment).

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:—

Short title.

1. This Act may be cited as the "Transport Authorities (Amendment) Act, 1984".

Commencement.

2. (1) Except as provided by this section, this Act shall commence on the date of assent to this Act.

(2) Section 3, in its application to a provision of Schedule 1, shall commence, or be deemed to have commenced, as the case may require, on the day on which the provision commences or is deemed to have commenced.

(3) Schedule 1 (1) (a), (1) (c), (3) (a) and (4) (a) shall be deemed to have commenced on 1st July, 1980 (being the date mentioned in section 2 (2) of the Transport Authorities Act, 1980).

(4) Schedule 1 (3) (b) and (4) (b) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 103, 1980.

3. The Transport Authorities Act, 1980, is amended in the manner set forth in Schedule 1.

Transport Authorities (Amendment).

Application of amendments.**4. (1)** In this section, “statutory office” means—

- (a) the office of an appointed member of the State Rail Authority, Urban Transit Authority or Railway Workshops Board; or
- (b) the office of the Chief Executive or a Deputy Chief Executive of the State Rail Authority or the Managing Director of the Urban Transit Authority.

(2) Without affecting the operation of section 2 (3)—**(a)** the repeal of—

- (i) clause 7 (1) (g) and (h) of Schedule 1 to the Transport Authorities Act, 1980; and
- (ii) clause 6 (1) (a) of Schedule 2 to that Act,

by this Act operates in relation to persons appointed to any statutory office before the date of assent to this Act, as well as in relation to persons appointed to any such office on or after that date; and

(b) where a person appointed to any such office would, but for this Act, have been deemed to have vacated office, by reason of the operation of any of the provisions so repealed, before the date of assent to this Act—

- (i) the person shall be deemed not to have so vacated office by reason thereof and shall be deemed to have continued at all material times in office as if those provisions had not been enacted; and
- (ii) all acts, matters and things done or omitted, or purporting to have been done or omitted, by the person as holder of the office shall be deemed to have been validly done or omitted as if those provisions had not been enacted.

(3) Subsection (2) applies in relation to any person referred to therein whether or not any proceedings have been instituted or concluded against the person before the date of assent to this Act in connection with the operation or purported operation of—

- (a) clause 7 (1) (g) or (h) of Schedule 1 to the Transport Authorities Act, 1980; or

Transport Authorities (Amendment).

(b) clause 6 (1) (a) of Schedule 2 to that Act.

(4) A reference in this section to clause 7 (1) (g) or (h) of Schedule 1 to the Transport Authorities Act, 1980, includes a reference to those provisions as applied by clause 6 (2) of Schedule 2 to that Act.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE TRANSPORT AUTHORITIES ACT, 1980.

(1) (a) Schedule 1, clause 7 (1) (g), (h)—

Omit the paragraphs.

(b) Schedule 1, clause 7 (1) (i)—

Omit the paragraph, insert instead:—

(i) if the member is removed from office by the Minister under subclause (3) or (4); or

(c) Schedule 1, clause 7 (2)—

Omit the subclause.

(d) Schedule 1, clause 7 (3), (4)—

At the end of clause 7, insert:—

(3) The Minister may remove an appointed member of a Corporation from office for incapacity, incompetence or misbehaviour.

(4) Without affecting the generality of subclause (3), the Minister may remove from office an appointed member of a Corporation if the member contravenes the provisions of clause 7A.

(2) Schedule 1, clause 7A—

After clause 7, insert:—

Transport Authorities (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE TRANSPORT AUTHORITIES ACT, 1980—*continued.***Disclosure of pecuniary interests.**

7A. (1) An appointed member of a Corporation who has a direct or indirect pecuniary interest—

(a) in a matter that is being considered, or is about to be considered, at a meeting of the Corporation; or

(b) in a thing being done or about to be done by the Corporation, shall, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Corporation.

(2) A disclosure by an appointed member of a Corporation that the member—

(a) is a member, or is in the employment, of a specified company or other body;

(b) is a partner, or is in the employment, of a specified person; or

(c) has some other specified interest relating to a specified company or other body or a specified person,

shall be deemed to be a sufficient disclosure of the nature of the interest in any matter or thing relating to that company or other body or to that person which may arise after the date of the disclosure.

(3) A Corporation shall cause particulars of any disclosure made by an appointed member of the Corporation under subclause (1) or (2) to be recorded in a book kept for the purpose and that book shall be open at all reasonable hours to the inspection of any person on payment of such fee as may be determined by the Corporation from time to time.

Transport Authorities (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TRANSPORT AUTHORITIES ACT, 1980—*continued.*

(4) After an appointed member of a Corporation has, or is deemed to have, disclosed the nature of an interest in any matter or thing pursuant to subclause (1) or (2), the member shall not, unless the Minister otherwise determines—

- (a) be present during any deliberation of the Corporation, or take part in any decision of the Corporation, with respect to that matter; or
- (b) exercise any functions under this Act with respect to that thing,

as the case may require.

(5) Notwithstanding that an appointed member of a Corporation contravenes the provisions of this clause, that contravention does not invalidate any decision of the Corporation or the exercise of any function under this or any other Act.

- (3) (a) Schedule 2, clause 3 (2)—

Omit the subclause.

- (b) Schedule 2, clause 3 (2)—

After clause 3 (1), insert:—

(2) An executive officer shall devote the whole of his or her time to the duties of the office, except as permitted by this Act or except with the consent of the Minister (which consent the Minister is hereby authorised to give).

- (4) (a) Schedule 2, clause 6 (1) (a)—

Omit the paragraph.

Transport Authorities (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE TRANSPORT AUTHORITIES ACT, 1980—*continued.*

(b) Schedule 2, clause 6 (1) (a)—

Before clause 6 (1) (b), insert:—

- (a) if the officer engages in any paid employment outside the duties of the office, except with the consent of the Minister (which consent the Minister is hereby authorised to give);

(c) Schedule 2, clause 6 (2)—

Before “of Schedule 1”, insert “and clause 7A”.