



State Owned Corporations Amendment (Sydney Ferries) Regulation 2004

under the

State Owned Corporations Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *State Owned Corporations Act 1989*.

BOB CARR, M.P.,

Premier

Explanatory note

The object of this Regulation is to amend the *State Owned Corporations Regulation 2003* to make provision with respect to the employment of officers of Sydney Ferries, including:

- (a) enabling promotion appeals and disciplinary appeals to be made by officers of Sydney Ferries to Transport Appeal Boards, and
- (b) providing for disciplinary matters concerning officers of Sydney Ferries.

This Regulation is made under the *State Owned Corporations Act 1989*, including sections 20M and 38 (the general regulation-making power).

2004 No 375

Clause 1 State Owned Corporations Amendment (Sydney Ferries) Regulation 2004

State Owned Corporations Amendment (Sydney Ferries) Regulation 2004

under the

State Owned Corporations Act 1989

1 Name of Regulation

This Regulation is the *State Owned Corporations Amendment (Sydney Ferries) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of State Owned Corporations Regulation 2003

The *State Owned Corporations Regulation 2003* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

Sydney Ferries officer includes an employee of Sydney Ferries, but does not include a casual or temporary employee.

transport corporation means RailCorp or Sydney Ferries.

transport corporation officer means:

- (a) in the case of Railcorp—a RailCorp officer, or
- (b) in the case of Sydney Ferries—a Sydney Ferries officer.

[2] Clause 4 Punishments in disciplinary proceedings

Omit “RailCorp” where firstly occurring in clause 4 (1).

Insert instead “A transport corporation”.

[3] Clause 4

Omit “RailCorp officer” wherever occurring.

Insert instead “transport corporation officer”.

[4] Clause 4 (2)

Omit “RailCorp” where secondly occurring.

Insert instead “the transport corporation”.

[5] Clause 4 (3)

Omit “RailCorp” where firstly occurring.

Insert instead “a transport corporation”.

[6] Clause 4 (3)

Omit “RailCorp” where thirdly occurring.

Insert instead “the transport corporation”.

[7] Clause 4 (4)

Omit “RailCorp”. Insert instead “a transport corporation”.

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Schedule 1 Amendments

[8] Clause 5 Suspension of officer pending disciplinary proceedings

Omit “RailCorp officer” wherever occurring.

Insert instead “transport corporation officer”.

[9] Clause 5 (1) (a)

Omit “RailCorp”. Insert instead “the transport corporation”.

[10] Clause 5 (2)

Omit “RailCorp”. Insert instead “The transport corporation”.

[11] Clause 5 (3)

Omit “RailCorp” where firstly occurring.

Insert instead “A transport corporation”.

[12] Clause 6 Transport corporation officers convicted of serious offences

Omit “RailCorp may take disciplinary proceedings against a RailCorp officer” from clause 6 (1).

Insert instead “A transport corporation may take disciplinary proceedings against a transport corporation officer”.

[13] Clause 7 Procedure in disciplinary hearings

Omit “RailCorp officer” wherever occurring.

Insert instead “transport corporation officer”.

[14] Clause 7 (1)

Omit “RailCorp” where secondly occurring.

Insert instead “the transport corporation”.

[15] Clause 8A

Insert after section 8:

8A Promotion appeals and reviews

- (1) For the purposes of this clause, an appointment to a position is *subject to appeal* if:

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- (a) the appointment is to a Sydney Ferries officer's position with a maximum salary that is below the minimum salary for the position of senior officer, band A, and
 - (b) the vacancy in the position was advertised or, if not advertised, the appointment was made by promotion.
 - (2) A Sydney Ferries officer may apply for a review by Sydney Ferries of the appointment of a Sydney Ferries officer to a position that is subject to appeal.
 - (3) An application for such a review may be made only:
 - (a) in the case of a vacancy that is advertised—by a Sydney Ferries officer who was an unsuccessful applicant for the vacant position, or
 - (b) in the case of a vacancy that is not advertised—by a Sydney Ferries officer who was seeking promotion to the vacant position but who was not selected.
 - (4) An application for such a review must be made within 5 days of Sydney Ferries notifying its decision on the vacancy to the unsuccessful applicant or in a notice circulated among officers seeking promotion, as the case requires.
 - (5) A Sydney Ferries officer entitled to apply for such a review may appeal to a Transport Appeal Board against the appointment concerned, but only if:
 - (a) the officer applied for the review and the application was not successful, or
 - (b) the officer applied for the review and the review was not completed within 15 days after the application was made.
 - (6) Despite subclause (1), the decision to appoint to any position a person who is not a Sydney Ferries officer is not subject to review under this clause or to appeal to a Transport Appeal Board.
 - (7) The only ground on which a Sydney Ferries officer may, under this clause, seek a review or appeal to a Transport Appeal Board is that the merit of the officer is greater than that of the Sydney Ferries officer selected.

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Schedule 1 Amendments

[16] Clause 9 Disciplinary appeals

Omit “RailCorp officer” from clause 9 (1).

Insert instead “transport corporation officer”.

[17] Clause 9 (1) (a)

Omit “RailCorp”. Insert instead “the transport corporation”.

[18] Clause 10 No other appeals to Transport Appeal Boards

Omit “RailCorp” where firstly and thirdly occurring.

Insert instead “a transport corporation”.

[19] Clause 10

Omit “RailCorp officer”. Insert instead “transport corporation officer”.

BY AUTHORITY
