

Cross River Rail Delivery Authority Bill 2016

Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By The Honourable Jackie Trad MP

Title of the Bill

Cross River Rail Delivery Authority Bill 2016

Objectives of the Amendments

The objective of the amendments is to ensure that permanent board members can appoint a proxy to attend meetings of the board on their behalf, and to make a technical amendment to refer to the current rail safety legislation.

The existing clause 33 of the Bill allows a permanent board member to appoint a proxy (a nominee) to attend board meetings on their behalf. This amendment clarifies that this nominee may be appointed on either a permanent or a temporary basis.

In addition, the current clause 33 of the Bill refers to the *Rail Safety National Law (Queensland) Act 2016* which is currently still a Bill and has not yet been debated by Parliament. Consequently, the amendments made a technical amendment to refer to the *Transport (Rail Safety) Act 2010* instead of the *Rail Safety National Law (Queensland) Act 2016*.

Achievement of the Objectives

The objective is achieved by amending the Bill to clarify that the nomination of a permanent board member may be on either a permanent or a temporary basis, and to refer to the current *Transport (Rail Safety) Act 2010* instead of the proposed national law.

Alternative Ways of Achieving Policy Objectives

There are no alternative ways to achieve the policy objective.

Estimated Cost for Government Implementation

There will be no cost to Government to implement the objective of the amendments.

Consistency with Fundamental Legislative Principles

The amendments do not raised any fundamental legislative principles. A permanent board member may already appoint a nominee; this amendment merely clarifies that such appointment may be either temporary or permanent.

Consultation

These amendments are administrative or technical in nature. Consequently, no consultation was carried out in relation to these amendments.

NOTES ON PROVISIONS

Amendment 1 Amendment of clause 33 (Membership of board)

Amendment 1 amends clause 33 of the Bill to make a technical amendment to the name of the rail safety legislation. Clause 33 currently refers to the *Rail Safety National Law (Queensland) Act 2016* in order to make the Director-General of the Department of Transport and Main Roads a permanent board member of the Cross River Rail Delivery Board.

However, the *Rail Safety National Law (Queensland) Act 2016* is currently a Bill before Parliament and has not been passed. Consequently, drafting conventions are that this Bill should refer to the current rail safety legislation: the *Transport (Rail Safety) Act 2010*.

The *Transport (Rail Safety) Act 2010* will be repealed by the Rail Safety National Law (Queensland) Bill 2016 if it is passed, but section 14H(1)(b) of the *Acts Interpretation Act 1954* will ensure that the reference to the *Transport (Rail Safety) Act 2010* includes a reference to the remade law (i.e. the *Rail Safety National Law (Queensland) Act 2016*). Consequently, the intent of the provision will be maintained.

Amendment 2 Amendment of clause 33 (Membership of board)

Amendment 2 amends clause 33 of the Bill to clarify that a permanent board member may nominate a proxy to the board either permanently or temporarily.

Subclauses (1)(a) to (1)(d) of clause 33 allow a permanent board member to nominate a senior executive to the board in their place.

The new subclause (8) allows that nomination to appoint a senior executive either permanently or temporarily.