

# 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.