

Cross River Rail Delivery Authority (Gold Coast Infill Stations Project) Amendment Regulation 2021

Explanatory Notes for SL 2021 No. 93

made under the

Cross River Rail Delivery Authority Act 2016

General Outline

Short Title

This regulation may be cited as the *Cross River Rail Delivery Authority (Gold Coast Infill Stations Project) Amendment Regulation 2021*.

Authorising Law

Sections 7 and 74 of the *Cross River Rail Delivery Authority Act 2016*.

Policy objectives and the reasons for them

The policy objective of the *Cross River Rail Delivery Authority (Gold Coast Infill Stations Project) Amendment Regulation 2021* (the Amendment Regulation) is to declare the Gold Coast Infill Stations project (GCIS Project) as a transport-related project.

The Amendment Regulation makes changes to the *Cross River Rail Delivery Authority Regulation 2019* to add the GCIS Project to the list of transport-related projects for the purposes of the *Cross River Rail Delivery Authority Act 2016* (CRRDA Act).

The objective of the CRRDA Act is to establish the Cross River Rail Delivery Authority (Delivery Authority):

- to plan, carry out, promote or coordinate activities to facilitate economic development, and development for community purposes, in a Cross River Rail Project Development Area; and
- to facilitate the efficient delivery of the cross river rail project and transport-related projects.

Since it was established, the Delivery Authority has been assigned or has identified delivery responsibility for activities that support or result from the delivery of the Cross River Rail Project. These include delivery responsibility for European Train Control System (ETCS)

projects, and the Fairfield to Salisbury upgrade project. The power to deliver these activities is achieved through the prescription of these projects as transport-related projects in the *Cross River Rail Delivery Authority Regulation 2019*.

To confirm the Delivery Authority is duly authorised to lead and deliver the GCIS project, it is necessary to have this activity declared a ‘transport-related project’ by regulation.

Achievement of policy objectives

The Amendment Regulation will achieve its policy objective by declaring the GCIS Project (as defined in the Regulation) is a transport-related project prescribed (by regulation) under section 7 of the CRRDA Act.

Section 7 of the CRRDA Act provides that ‘transport-related projects’ may only be prescribed in specific circumstances (that is, where the project involves providing transport infrastructure in South-East Queensland and relates to the operation of rail transport infrastructure provided, or to be provided, as a result of the Cross River Rail, but is not part of the Cross River Rail Project).

The Explanatory Notes accompanying the CRRDA Act confirmed that the full extent of the Cross River Rail Project was not likely to be known until after the Delivery Authority was established, and possibly after the Cross River Rail Project is well underway, and that activities beyond the original scope could be prescribed by regulation.

The above circumstances, as foreshadowed in the Explanatory Notes to the CRRDA Act, are reflected in the *Cross River Rail Delivery Authority Regulation 2019*. The prescription of the GCIS Project in the *Cross River Rail Delivery Authority Regulation 2019* will provide clarity over the role of the Delivery Authority regarding the GCIS Project.

Consistency with policy objectives of authorising law

The preparation of the Amendment Regulation is consistent with sections 3 and 7 of the CRRDA Act which, among other things, provide that:

- the Delivery Authority is to facilitate the efficient delivery of transport-related projects, and
- transport-related projects are to be prescribed by regulation.

Inconsistency with policy objectives of other legislation

The amendments are not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative ways to achieve the policy objectives.

Benefits and costs of implementation

Amending the *Cross River Rail Delivery Authority Regulation 2019* is the most practical, efficient and effective mechanism for prescribing the GCIS Project as a transport-related project.

Benefits of amending the Regulation include:

- providing clarity for stakeholders about the delivery of the GCIS Project;
- aligning the delivery of the stations with the Delivery Authority's strategic objectives for delivery of transport-related projects;
- facilitating integrated land use and planning for the new stations in line with the existing Delivery Authority delivered project components; and
- supporting effective and efficient delivery of the GCIS Project and the Cross River Rail Project.

Costs to administer the Amendment Regulation will be allocated from existing budget.

Consistency with fundamental legislative principles

The Amendment Regulation does not conflict with fundamental legislative principles.

Consultation

The former Queensland Productivity Commission was consulted on the proposed amendments and have advised that the Amendment Regulation is unlikely to result in significant adverse impacts and no further regulatory impact analysis is required under the *Queensland Government Guide to Better Regulation*.