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Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

## **High Speed Rail Planning Authority Bill 2018**

**A Bill for an Act to establish the High Speed Rail Planning Authority to  
commence planning for High Speed Rail**

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# **A Bill for an Act to establish the High Speed Rail Planning Authority, and for related purposes**

The Parliament of Australia enacts:

## **Part 1—Preliminary**

### **1 Short title**

This Act is the High Speed Rail Planning Authority Act 2018.

### **2 Commencement**

This Act commences on the day the Consolidated Revenue Fund is appropriated under an Act to the Department in which this Act is administered for payment to the Authority.

### **3 Objects**

The objects of this Act are:

- (a) to establish an Authority to advise on, plan and develop the HSR system; and
- (b) to ensure that the HSR corridor is preserved so that provision can be made for regular, efficient and cost effective rail transport on the east coast of Australia and to other areas as determined by the Minister.

### **4 Simplified outline**

The following is a simplified outline of this Act:

This Act establishes the High Speed Rail Planning Authority. The Authority has functions relating to the planning and development of the HSR system.

### **5 Definitions**

In this Act:

Australian Local Government Association means the Australian Local Government Association Limited (ABN 31 008 613 876).

Authority means the High Speed Rail Planning Authority established by section 7.

Chair means the Chair of the Authority.

HSR corridor (short for high speed rail corridor) means the area on the east coast of Australia through which the HSR system will run.

HSR system (short for high speed rail system) means a dedicated railway network that links major capital cities, and some regional centres, on the east coast of Australia.

member means a member of the Authority, and includes the Chair.

Paid work means work for financial gain or reward (whether as an employee, a self employed person or otherwise).

## **Part 2—High Speed Rail Planning Authority**

### **Division 1—Establishment and functions**

#### **7 Establishment**

- (1) The High Speed Rail Planning Authority is established by this section.
- (2) For the purposes of the finance law (within the meaning of the Public Governance, Performance and Accountability Act 2013):
  - (a) the Authority is a listed entity; and
  - (b) the Chair is the accountable authority of the Authority; and
  - (c) the following persons are officials of the Authority:
    - (i) the Chair;
    - (ii) the other members;
    - (iii) the staff of the Authority referred to in section 21;
    - (iv) consultants engaged under section 22; and
  - (d) the purposes of the Authority include the functions of the Authority referred to in section 9.

#### **8 Membership**

The Authority consists of 12 members.

#### **9 Functions and powers**

- (1) The Authority has the following functions:
  - (a) to engage in land use planning in relation to the HSR corridor;
  - (b) to provide direction for efficient development and construction of the HSR system;
  - (c) to consider specific measures aimed at preventing, controlling or reducing the environmental impact associated with the HSR system;
  - (d) to ensure that the HSR system will provide safe, regular, efficient and cost effective rail transport;
  - (e) to consult with interested bodies and the public generally on matters relating to the HSR corridor and HSR system.
- (2) The Authority has power to do all things necessary and convenient to be done for or in connection with the performance of its functions.

## **Division 2—Appointment of members**

### **11 Appointment of members**

- (1) A member is to be appointed by the Minister by written instrument on a part time basis.
- (2) The Minister is to appoint:
- (a) 5 members whom the Minister considers has appropriate qualifications, knowledge, skills or experience; and
  - (b) 1 member nominated, in writing, by the Governor of New South Wales;
- and
- (c) 1 member nominated, in writing, by the Governor of Victoria; and
  - (d) 1 member nominated, in writing, by the Governor of Queensland; and
  - (e) 1 member nominated, in writing, by the Governor of South Australia: and
  - (f) 1 member nominated, in writing, by the Chief Minister of the Australian Capital Territory; and
  - (g) 1 member nominated, in writing, by the Australian Local Government Association; and
  - (h) 1 member nominated, in writing, by the Australasian Railway Association.
- (3) The Minister must appoint one of the 5 members mentioned in paragraph (2)(a) to be the Chair.

### **12 Term of appointment**

A member holds office for the period specified in the instrument of appointment. The period must not exceed 3 years.

Note: A member may be reappointed, see section 33AA of the Acts Interpretation Act 1901.

### **13 Acting appointments**

- (1) The Minister may appoint a member to act as the Chair:
- (a) during a vacancy in the office of Chair, whether or not an appointment has previously been made to the office; or
  - (b) during any period, or during all periods, when the Chair is absent from duty or from Australia, or is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the Acts Interpretation Act 1901.

- (2) The Minister may appoint a person to act as a member:
- (a) during a vacancy in the office of a member, whether or not an

appointment has previously been made to the office; or

(b) during any period, or during all periods, when a member is absent from duty or from Australia, or is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the Acts Interpretation Act 1901.

### **Division 3—Terms and conditions of appointment**

#### **14 Remuneration and allowances**

(1) A member is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the member is to be paid the remuneration that is prescribed by the rules.

(2) A member is to be paid the allowances that are prescribed by the rules.

(3) This section has effect subject to the Remuneration Tribunal Act 1973.

#### **15 Leave of absence**

(1) The Minister may grant leave of absence to the Chair on the terms and conditions that the Minister determines.

(2) The Chair may grant leave of absence to any other member on the terms and conditions that the Chair determines.

#### **16 Outside employment**

A member must not engage in any paid work that, in the Minister's opinion, conflicts or may conflict with the proper performance of his or her duties.

#### **17 Disclosure of interests**

(1) A member who has a material personal interest that relates to the affairs of the Authority must disclose that interest, in writing, to the Minister.

(2) The disclosure must include details of:

(a) the nature and extent of the interest; and

(b) how the interest relates to the affairs of the Authority.

(3) The member must make the disclosure:

(a) as soon as practicable after the member becomes aware of the interest;  
and

(b) if there is a change in the nature or extent of the interest after the member has disclosed the interest under this section—as soon as practicable after the member

becomes aware of that change.

(4) Subsections (1) to (3) apply in addition to any rules made for the purposes of section 29 of the Public Governance, Performance and Accountability Act 2013.

(5) For the purposes of this Act and the Public Governance, Performance and Accountability Act 2013, the member is taken not to have complied with section 29 of that Act if the member does not comply with subsections (1), (2) and (3) of this section.

## **18 Other terms and conditions**

A member holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Minister.

## **19 Resignation**

(1) A member may resign his or her appointment by giving the Minister a written resignation.

(2) The resignation takes effect on the day it is received by the Minister or, if a later day is specified in the resignation, on that later day.

## **20 Termination of appointment**

The Minister may terminate the appointment of a member:

- (a) for misbehaviour; or
- (b) if the member is unable to perform the duties of his or her office because of physical or mental incapacity; or
- (c) if the member:
  - (i) becomes bankrupt; or
  - (ii) takes steps to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
  - (iii) compounds with one or more of his or her creditors; or
  - (iv) makes an assignment of his or her remuneration for the benefit of one or more of his or her creditors; or
- (d) if the member is absent, except on leave of absence, from 3 consecutive meetings of the Authority; or
- (e) if the member engages in paid work that, in the Minister's opinion, conflicts or may conflict with the proper performance of the member's duties (see section 16); or
- (f) if the member fails, without reasonable excuse, to comply with section 29 of the Public Governance, Performance and Accountability Act 2013 (which deals with the duty to disclose interests) or rules made for the purposes of that section.

## **Division 4—Staff and consultants**

### **21 Staff**

- (1) The staff of the Authority must be persons engaged under the Public Service Act 1999.
- (2) For the purposes of the Public Service Act 1999:
  - (a) the Chair and the staff together constitute a Statutory Agency; and
  - (b) the Chair is the Head of that Statutory Agency.

### **22 Consultants**

The Chair may, on behalf of the Commonwealth, engage consultants to assist in the performance of the Authority's functions.

## **Part 3—Meetings of the High Speed Rail Planning Authority**

### **23 Convening meetings**

- (1) The Authority must hold the meetings that are necessary for the efficient performance of its functions.
- (2) Meetings are to be held at the times and places that the Chair determines.

Note: See also section 33B of the Acts Interpretation Act 1901, which contains extra rules about meetings by telephone etc.

- (3) The Chair:
  - (a) may convene a meeting; and
  - (b) must convene at least 4 meetings each calendar year; and
  - (c) must convene a meeting if requested in writing by:
    - (i) 7 or more other members; or
    - (ii) the Minister.

### **24 Presiding at meetings**

- (1) The Chair must preside at all meetings at which he or she is present.
- (2) If the Chair is not present at a meeting, the members present must appoint one of their number to preside.



## **25 Quorum**

- (1) At a meeting of the Authority, a quorum is constituted by a majority of members.
- (2) However, if:
  - (a) rules made for the purposes of section 29 of the Public Governance, Performance and Accountability Act 2013 (which deals with the duty to disclose interests) prevent a member from being present during any consideration of a matter at a meeting of the Authority; and
  - (b) when the member leaves the meeting concerned there is no longer a quorum; the remaining members at the meeting constitute a quorum for the purpose of any consideration or decision at the meeting with respect to that matter.

## **26 Voting at meetings**

- (1) A question arising at a meeting is to be determined by a majority of the votes of the members present and voting.
- (2) The person presiding at the meeting has a deliberative vote and, in the event of an equality of votes, a casting vote.

## **27 Conduct of meetings**

Subject to this Part, the Authority may regulate proceedings at its meetings as it considers appropriate.

## **28 Minutes**

The Authority must keep minutes of its meetings.

## **Part 4—Miscellaneous**

### **29 Rules**

The Minister may, by legislative instrument, make rules prescribing matters:

- (a) required or permitted by this Act to be prescribed by the rules; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

## **Explanatory Memorandum**

This bill seeks to establish an authority to allow the construction of the a High Speed Rail across the East Coast and potentially across the rest of the continent. This authority will provide guidance in building the High Speed Rail Line including but not limited too routing, building, train suppliers and potential expansions.

## **Second Reading Speech**

Mr Speaker,

I rise to speak in support of this bill. For too long successive Australian governments have simply talked about the need to have a high speed rail connecting our major cities and major regional cities and towns. It is important with our ever increasing population and the need to ensure that our population is decentralised that we have high speed rail to allow Australians to quickly travel between cities without the need to take cars, live closer to areas of employment or be restricted to taking air travel. While my last government took measures by investing in the purchase of land of part of the rail corridor it is important that we now make the next step in ensuring that track begins to be laid and the first stage is implemented by establishing this authority it will allow the government to push forward and finish a job previous governments have only talked about