

## **Infrastructure Implementation Corporation Bill 2005**

### **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

#### Overview of Bill

The object of this Bill is to constitute the Infrastructure Implementation Corporation (the *IIC*) which will have the function of carrying out major infrastructure projects as well as taking over the responsibility for the carrying out of major infrastructure projects undertaken by other public authorities. The functions of the IIC in relation to major infrastructure projects may only be exercised if authorised by an order of the Premier (referred to as a *project authorisation order* in the proposed Act).

#### Outline of provisions

##### **Part 1 Preliminary**

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** defines certain words and expressions used in the proposed Act. A *major infrastructure project* is a project that requires approval under Part 3A of the *Environmental Planning and Assessment Act 1979*.

##### **Part 2 Constitution, management and functions of IIC**

**Clause 4** constitutes the IIC as a statutory corporation representing the Crown.

**Clause 5** provides that the affairs of the IIC are to be managed by the Director-General of the Premier's Department.

**Clause 6** provides that the IIC is subject to the control and direction of the Minister.

**Clause 7** specifies the general functions of the IIC, including its functions in relation to major infrastructure projects.

**Clause 8** enables the IIC to arrange for the use of the staff or facilities of any public authority (which includes a government department).

##### **Part 3 Functions of IIC in relation to major infrastructure projects**

**Clause 9** enables the Premier to make project authorisation orders for the purposes of the proposed Act. Such an order can only be made with the written concurrence of the Treasurer.

**Clause 10** provides that a project authorisation order may authorise the IIC to carry out a major infrastructure project specified in the order.

**Clause 11** provides that a project authorisation order may declare the IIC to be responsible for the carrying out of a major infrastructure project of another public authority. In this case, the IIC will be able to exercise all of the public authority's functions in relation to the project and to issue directions to the public authority in relation to the project. If the project authorisation order relates to a project carried out by a statutory SOC, the Premier is to consult with the SOC's portfolio Minister, voting shareholders and board of directors before making the order.

**Clause 12** enables a project authorisation order that declares the IIC to be responsible for another public authority's project to also provide for the transfer to the IIC of any of the assets, rights and liabilities of the public authority in relation to the project.

**Clause 13** enables the IIC to acquire land in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of exercising its functions in relation to major infrastructure projects.

**Clause 14** provides that the IIC's assets, rights and liabilities in relation to a major infrastructure project may, in accordance with a project divesting order made by the Premier, be transferred to another public authority.

**Clause 15** makes it clear that a project authorisation order or a project divesting order under the proposed Act may apply to the whole of a major infrastructure project or to part of such a project only.

**Part 4 Miscellaneous**

**Clause 16** provides that the Crown is bound by the proposed Act.

**Clause 17** enables the Director-General of the Premier's Department to delegate the Director-General's functions under the proposed Act to any member of staff of that Department.

**Clause 18** provides for the Director-General and any person acting under the direction of the IIC or the Director-General not to be personally liable for things done (or omitted to be done) in good faith for the purposes of executing the proposed Act.

**Clause 19** enables the Governor to make regulations for the purposes of the proposed Act, including regulations of a savings and transitional nature consequent on the enactment of the proposed Act.

**Clause 20** amends the *Public Finance and Audit Act 1983* to apply the usual auditing and annual reporting requirements of statutory corporations to the IIC.

**Clause 21** provides for the review of the proposed Act in 5 years.

**Schedule 1 Transfer of assets, rights and liabilities**

**Schedule 1** contains provisions that take effect when a project authorisation order provides for the transfer to the IIC of the assets, rights and liabilities of a public authority in relation to a major infrastructure project and when a project divesting order transfers the assets, rights and liabilities of the IIC in relation to a project to another public authority.