

Cross-Border Commission Bill 2004

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 Cross-Border Commission of New South Wales.

The Bill also makes consequential amendments to the *Public Sector Employment and Management Act 2002*.

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 the date of assent.

Clause 3 defines certain words and expressions used in the proposed Act.

Part 2 Cross-Border Commission

Clause 4 provides for the constitution of the Cross-Border Commission of New South Wales. The Commission is to consist of the Chairperson and between 4 and 8 part-time members appointed by the Premier. The part-time members are to be residents of New South Wales who, in the opinion of the Premier, are suitably qualified to represent various interests in relation to border communities. A person cannot be a part-time member if he or she is a member of the Parliament of New South Wales or of the Commonwealth.

Clause 5 provides that the Chairperson is to be appointed by the Governor on the recommendation of the Premier after consultation by the Premier with the Leader of the Opposition in the Legislative Assembly (or, if the Opposition comprises 2 or more recognised political parties, the leaders of those parties).

Clause 6 makes provision for the appointment by the Premier, after consultation with the Leader of the Opposition in the Legislative Assembly (or, if the Opposition comprises 2 or more recognised political parties, the leaders of those parties), of an acting Chairperson during the illness or absence of the Chairperson.

Clause 7 enables staff to be employed under Chapter 2 of the *Public Sector Employment and Management Act 2002* to assist the Commission. Clause 7 also enables the Commission to utilise staff or facilities of a government department or a public or local authority and to engage consultants.

Clause 8 sets out the following functions of the Commission:

- (a) to invite members of a border community to make submissions to the Commission in relation to matters affecting that community,
- (b) to conduct inquiries into such matters affecting border communities as are referred to it by the Premier or as the Commission considers appropriate,
- (c) to identify issues affecting border communities and to make recommendations to the Premier regarding such issues,
- (d) to prepare an annual report for tabling in Parliament in relation to the results of its inquiries into matters affecting border communities, and in relation to any action taken by the Government as a consequence of any recommendations referred to in paragraph (c),
- (e) other functions conferred or imposed on the Commission by or under any other Act or law.

Clause 9 requires the Commission to prepare an annual report and to forward it to the Premier. The Premier is to cause the report to be tabled in each House of Parliament as soon as practicable after the report is forwarded to the Premier.

Clause 9 also makes provision for the tabling of such a report if a House of Parliament is not sitting when the Premier seeks to table the report.

Part 3 Miscellaneous

Clause 10 absolves a member of the Commission, or a person acting under the direction of the Commission, from personal liability for anything done or omitted in good faith for the purpose of executing an Act (including the proposed Act).

Clause 11 requires the Premier to review the functions of the Commission 5 years after the commencement of the proposed Act and to report the outcome of the review to each House of Parliament.

Clause 12 gives effect to the amendments to the *Public Sector Employment and Management Act 2002* set out in Schedule 2.

Schedule 1 contains provisions relating to the constitution and procedure of the Commission, including terms of office of members, voting and quorum for meetings.

Schedule 2 makes consequential amendments to the *Public Sector Employment and Management Act 2002*.