

CROSS RIVER RAIL DELIVERY AUTHORITY ACT 2016

SECTION 16(1)

DIRECTION TO CROSS RIVER RAIL DELIVERY AUTHORITY

1. Definitions

In this Direction:

- (a) **Act** means the Cross River Rail Delivery Authority Act 2016;
- (b) **Authority** means the Cross River Rail Delivery Authority established under s.8 of the Act;
- (c) **Board** means the board of management that is established under s.30 of the Act;
- (d) **Chief Executive Officer** means the chief executive officer of the Authority as appointed by the Board under s.49(1) of the Act and includes any person acting in this office from time to time;
- (e) **Director-General** means the chief executive of the Department which administers the Act and includes any person acting in this office from time to time;
- (f) **Instrument of Delegation** means the instrument of delegation in the form as set out in Schedule 1 of this Direction;
- (g) **Relevant Acts** means the Act and any other Act that is referred to in the Instrument of Delegation;
- (h) **Relevant Date** means 7 days after the date of this Direction;
- (i) Other words and expressions used in this Direction which are defined in the Act have the same meaning as in the Act; and
- (j) Words in the singular include the plural and vice versa, unless the context otherwise requires.

Direction

2. Pursuant to s.16(1) of the Act, I hereby direct the Authority as follows:

- (a) The Authority must by the Relevant Date cause a decision of the Board to be made which delegates pursuant to s.73(1) of the Act the Authority's functions and powers under the Relevant Acts to the Chief Executive Officer in the terms as set out in the Instrument of Delegation;
- (b) The Authority is to authorise and require the Chief Executive Officer to take the following steps and actions:
 - (i) The Chief Executive Officer is to create and preserve full and proper records concerning the performance of the functions and the exercise of the powers delegated to the Chief Executive Officer under the Instrument of Delegation;
 - (ii) The Chief Executive Officer is to as soon as reasonably practicable comply with any request from myself or the Director-General to give access to any record in the Chief Executive Officer's custody or control (other than a record that is subject to third party confidentiality or legal professional privilege) concerning the performance of the functions or the

exercise of any of the powers delegated to the Chief Executive Officer under the Instrument of Delegation;

- (iii) The Chief Executive Officer is to on the dates as notified by the Director-General provide a written report to me, in the form determined by the Director-General, regarding the performance and exercise of, and compliance with, the functions and powers delegated to the Chief Executive Officer under the Instrument of Delegation;
 - (iv) As requested by the Director-General, the Chief Executive Officer will meet with the Director-General and/or myself regarding the performance and exercise of, and compliance with, the functions and powers delegated to the Chief Executive Officer under the Instrument of Delegation; and
 - (v) The Chief Executive Officer is to report regularly to the Director-General and/or myself about the risks and emerging issues for the Authority, and any other issue that I or the Director-General identify, concerning the performance of the functions or the exercise of any of the powers of the Authority;
- (c) Where there is ambiguity or doubt about the meaning of this Direction, the Authority is to follow the interpretation of the Director-General about the matter as advised in a written clarifying statement.


Dated at Brisbane this

28th

day of

February

2020



The Honourable Kate Jones MP

Minister for Innovation and Tourism Industry
Development and Minister for Cross River Rail

INSTRUMENT OF DELEGATION

Cross River Rail Delivery Authority Act 2016 (Qld)

1. The Cross River Rail Delivery Authority (**Authority**), pursuant to section 73(1) of the Cross River Rail Delivery Authority Act 2016 (Qld) (**Act**), now delegates the functions and powers of the Authority as specified in Column 1 of the Schedule to the persons who hold the positions specified in Column 3 of the Schedule subject to any limitations or conditions as are specified in Column 3 of the Schedule.
2. The specified delegates may subdelegate the functions or powers the subject of this Instrument of Delegation if provided for in the Act or if expressly provided for in Column 3 of the Schedule.
3. The description of the functions and powers as set out in Column 2 does not limit the scope of the functions and powers that are delegated under this Instrument of Delegation.
4. In this Instrument of Delegation, a reference to an Act includes any relevant amending, consolidating or replacing legislation and any statutory instruments made under that Act.
5. If the name of a position mentioned in the Schedule to this Instrument of Delegation is redesignated or retitled, but the duties, functions and responsibilities attached to the position remain substantially the same, then the reference to the position in the Schedule to this Instrument shall be read as if it is a reference to the redesignated or retitled position.
6. The Instrument of Delegation includes the attached Schedule comprising 22 pages in total. No other written material forms part of the Instrument.
7. To the extent that there are any inconsistencies between any function or power delegated under this Instrument of Delegation and any function or power delegated under a previous Instrument of Delegation, the delegation of the functions and powers under this Instrument of Delegation will prevail.
8. This Instrument of Delegation commences on the date it is signed.
9. This Instrument of Delegation is signed on behalf of the Authority under s.17(1) of the Act.



The Honourable Paul Lucas
Chairperson of the Cross River Rail Delivery Board
Cross River Rail Delivery Authority

DATED AT BRISBANE this

3rd

day of

March

2020

SCHEDULE – Cross River Rail Delivery Authority Act 2016		
Column 1	Column 2	Column 3
Section	Description of Delegated Functions ¹ and Powers ²	Position Delegated ³ and Applicable Limitations
12(1)(a)	The function of the Authority to plan, carry out, promote or coordinate activities to facilitate economic development, and development for community purposes, in a cross river rail PDA.	The Chief Executive Officer.
12(1)(b)	The function of the Authority to facilitate the efficient delivery of the cross river rail project and transport-related projects.	The Chief Executive Officer.
12(2)	<p>The functions of the Authority:</p> <ul style="list-style-type: none"> (a) to identify opportunities and options for facilitating economic development, and development for community purposes, in a cross river rail PDA; (b) to identify, and consult with relevant entities about, options for funding development mentioned in paragraph (a); (c) to give advice and recommendations about a matter mentioned in paragraph (a) or (b) to: <ul style="list-style-type: none"> (i) the Minister; and (ii) if appropriate, a relevant entity. 	The Chief Executive Officer.
12(3)	<p>The functions of the Authority in relation to the cross river rail project or a transport-related project:</p> <ul style="list-style-type: none"> (a) to carry out planning for the project, including: <ul style="list-style-type: none"> (i) inviting and evaluating proposals for the delivery of the project; and (ii) facilitating the procurement and supply of infrastructure and services for the project; (b) to ensure that any approvals or authorities required for the project under other laws are obtained; (c) to enter into and manage contractual and other arrangements for the delivery of the project, including, for example: <ul style="list-style-type: none"> (i) negotiating and entering into agreements about funding for the project; and (ii) ensuring contracts and agreements are performed in accordance with their terms; (d) to consult, or facilitate consultation, with relevant entities about funding and delivery of the project; 	The Chief Executive Officer.

¹ Pursuant to s.73(6) of the Act, a reference to a function includes a reference to a power.

² For a more detailed description of the identified statutory function or power, refer to the Act.

³ The Chief Executive Officer may subdelegate a function under s.73(5) of the Act.

SCHEDULE – Cross River Rail Delivery Authority Act 2016

Column 1	Column 2	Column 3
Section	Description of Delegated Functions ¹ and Powers ²	Position Delegated ³ and Applicable Limitations
	<p>(e) to provide, ensure the provision of, or manage infrastructure and other services and facilities for, or relating to, the project;</p> <p>(f) to promote the project through, for example, advertising and encouraging investment;</p> <p>(g) to give advice and recommendations about options for funding and delivering the project to:</p> <p style="padding-left: 40px;">(i) the Minister; and</p> <p style="padding-left: 40px;">(ii) if appropriate, a relevant entity.</p>	
12(5)	All the functions of the Authority under the Act or another Act, or any other function relating to the Authority's main functions under s.12(1) of the Act that is prescribed by regulation.	<p>The Chief Executive Officer.</p> <p>The Chief Executive Officer is not delegated the functions of the Authority under s.71(9) and s.71(10) of the Queensland Heritage Act 1992.</p>
14(1)(a) and 14(1)(g)	The power of the Authority to enter into contract or agreements including the power of the Authority to do anything necessary or convenient to be done in exercising this power of the Authority.	The Chief Executive Officer.
14(1)(b) and 14(1)(g)	The power of the Authority to deal in land or other property including the power of the Authority to do anything necessary or convenient to be done in exercising this power of the Authority.	The Chief Executive Officer.
14(1)(c) and 14(1)(g)	The power of the Authority to appoint agents and attorneys including the power of the Authority to do anything necessary or convenient to be done in exercising this power of the Authority.	The Chief Executive Officer.
14(1)(d) and 14(1)(g)	The power of the Authority to engage consultants or contractors including the power of the Authority to do anything necessary or convenient to be done in exercising this power of the Authority.	The Chief Executive Officer.
14(1)(e) and 14(1)(g)	The power of the Authority to establish funds and accounts with any financial institution in Australia including the power of the Authority to do anything necessary or convenient to be done in exercising this power of the Authority.	The Chief Executive Officer.
14(1)(f) and 14(1)(g)	The power of the Authority to charge a government agency a fee for services or facilities it supplies including the power of the Authority to do anything necessary or convenient to be done in exercising this power of the Authority.	The Chief Executive Officer.
19	The powers of the Authority to deal in land and other property for cross river rail purposes.	The Chief Executive Officer.

SCHEDULE – Cross River Rail Delivery Authority Act 2016

Column 1	Column 2	Column 3
Section	Description of Delegated Functions ¹ and Powers ²	Position Delegated ³ and Applicable Limitations
20(1)	<p>The power of the Authority to take land if the land is required for a cross river rail purpose in relation to—</p> <p>(a) the cross river rail project; or</p> <p>(b) a transport-related project prescribed by regulation for this section.</p> <p>The Authority's power to take land as described above includes—</p> <p>(a) power to take land or an easement, or another interest in land above or beneath the surface, without acquiring rights in the surface; and</p> <p>(b) power to take a lease of State land or another interest in State land that is less than freehold.</p> <p>The Authority's power to take land as described above does not limit its powers to take land, as a constructing authority, under the Acquisition of Land Act 1967.</p>	The Chief Executive Officer.
21(2)	The power of the Authority, with the Minister's approval, to take additional land.	The Chief Executive Officer.
22(2)	The function of the Authority, in giving or amending a notice of intention to resume, to give the registrar notice, in the appropriate form, of the giving or amendment of the notice of intention to resume.	The Chief Executive Officer.
25(1)(a)	The power of the Authority, to give effect to a cross river rail purpose, to lease, or agree to lease, to any person land taken, or proposed to be taken, under Part 2, Division 2 of the Act.	The Chief Executive Officer.
25(1)(b)	The power of the Authority, to give effect to a cross river rail purpose, to sign an agreement with any person to carry out, own, operate or maintain any works or development on land taken, or proposed to be taken, under Part 2, Division 2 of the Act.	The Chief Executive Officer.
25(1)(c)	The power of the Authority, to give effect to a cross river rail purpose, to sign an agreement with any person in relation to works or development for land taken, or proposed to be taken, under Part 2, Division 2 of the Act.	The Chief Executive Officer.
25(1)(d)	The power of the Authority, to give effect to a cross river rail purpose, to sell land taken, or agree to sell land proposed to be taken, under Part 2, Division 2 of the Act.	The Chief Executive Officer.
26(2)	The function of the Authority in relation to land that is no longer required by the Authority to advise, by notice, the former owner of the land that the Authority intends to offer the land to the former owner.	The Chief Executive Officer.

SCHEDULE – Cross River Rail Delivery Authority Act 2016		
Column 1	Column 2	Column 3
Section	Description of Delegated Functions ¹ and Powers ²	Position Delegated ³ and Applicable Limitations
26(4)	The power of the Authority, before fulfilling its functions under s.26(2) of the Act as described above, to take an easement over all or part of the relevant land to ensure the structural and operational integrity of any transport infrastructure on the land.	The Chief Executive Officer.
27(2)	The power of the Authority to offer land, by notice, subject to any easement over the land, for sale to the former owner at a price decided by the Authority.	The Chief Executive Officer.
27(4)	The power of the Authority to dispose of land that is not required, subject to any easement over the land.	The Chief Executive Officer.
28(2)	The power of the Authority to hold the land or other property to which it becomes entitled as security for, or in satisfaction, liquidation or discharge of, a debt owing to the Authority, until it can be advantageously disposed of.	The Chief Executive Officer.
40(1)	The function of the Authority to keep a register of each board member's pecuniary interests.	The Chief Executive Officer.
57(1)	The power of the Authority to employ other staff (other than the Chief Executive Officer) that the Authority considers appropriate to perform its functions.	The Chief Executive Officer.
58(1)	The power of the Authority, with the agreement of the chief executive of a government agency, to arrange for the services of officers or employees of the agency to be made available to the Authority.	The Chief Executive Officer.
71(1)	The function of the Authority each year to prepare a budget— (a) of estimated costs of the Authority for the next financial year; and (b) consistent with the strategic priorities of the Authority.	The Chief Executive Officer.

SCHEDULE – Acquisition of Land Act 1967 (Qld)		
Column 1 ⁴	Column 2	Column 3
Section	Description of Delegated Functions and Powers ⁵	Position Delegated and Applicable Limitations
5(1)(c)	The Authority's power to take land.	The Chief Executive Officer.
6	The Authority's power to take an easement.	The Chief Executive Officer.
7	The Authority's power to make a decision to serve a notice of intention to resume.	The Chief Executive Officer.
7(4)	The Authority's function to file with the land registry a copy of a notice of intention to resume relating to land under the Land Title Act 1994 (Qld).	The Chief Executive Officer.
7(4AA)	The Authority's power to make a decision to serve an amended notice of intention to resume.	The Chief Executive Officer.
8(2)	The Authority's function to consider any objection and make a decision about whether to proceed with the taking of land under the notice of intention to resume.	The Chief Executive Officer.
8(2A)	The Authority's power to discontinue a resumption or amend a notice of intention to resume.	The Chief Executive Officer.
9(1)	The Authority's power to apply to the Minister for land to be taken.	The Chief Executive Officer.
11 (3)	The Authority's power to amend a gazette resumption notice made by the Governor in Council.	The Chief Executive Officer.
12A	The Authority's function to lodge with the registrar of titles a survey plan showing a new boundary for a lot or common property.	The Chief Executive Officer.
13(1)	The Authority's power to acquire additional land mentioned in s.13(1) of the Acquisition of Land Act 1967 (Qld).	The Chief Executive Officer.
13(2A)	The Authority's power to acquire additional land mentioned in s.13(2) of the Acquisition of Land Act 1967 (Qld).	The Chief Executive Officer.
13(3)	The Authority's power to make a decision to sell or otherwise deal with additional land.	The Chief Executive Officer.

⁴ Pursuant to s.12(5)(a) of the Act, the Authority has the function conferred on it under the Act as well as another Act. Therefore functions of a construction authority under the Acquisition of Land Act 1967 (Qld) will also be functions of the Authority.

⁵ For a more detailed description of the identified statutory function or power, refer to the Acquisition of Land Act 1967 (Qld).

SCHEDULE – Acquisition of Land Act 1967 (Qld)		
Column 1 ⁴	Column 2	Column 3
Section	Description of Delegated Functions and Powers ⁵	Position Delegated and Applicable Limitations
15	The Authority's power to enter into a resumption agreement.	The Chief Executive Officer.
15C	The Authority's power to apply to the relevant Minister for land to be taken.	The Chief Executive Officer.
15D	The Authority's power to publish a gazette notice declaring that land is taken for a stated purpose without an application being made under s.15C of the Acquisition of Land Act 1967 (Qld).	The Chief Executive Officer.
16(1)	The Authority's power to decide to discontinue a resumption of land and serve a notice of discontinuance.	The Chief Executive Officer.
16(1B)	The Authority's power to agree on compensation to be paid under s.16(1A) of the Acquisition of Land Act 1967 (Qld) or to refer the matter to the Land Court.	The Chief Executive Officer.
17(1)	The Authority's power to revoke a gazette resumption notice, in whole or in part.	The Chief Executive Officer.
17(2)(c)	The Authority's function to lodge a gazette copy of the revoking gazette notice with the land registry.	The Chief Executive Officer.
17(5)	The Authority's power to agree upon the amount of compensation to be paid under s.17(4) of the Acquisition of Land Act 1967 (Qld) or to refer the matter to the Land Court.	The Chief Executive Officer.
19(4)	The Authority's power to accept and deal with a claim for compensation served more than 3 years after the taking of the land.	The Chief Executive Officer.
21(1)	The Authority's power to grant an easement, right of way, lease or other right of occupation, or any other right, privilege or concession, in, upon, over or under the land taken or any other land of the Authority in satisfaction wholly or partly of a claimant's claim for compensation.	The Chief Executive Officer.
21(1A)	The Authority's power to agree to transfer land held in fee simple by the Authority to a claimant in satisfaction wholly or partly of the claimant's claim for compensation.	The Chief Executive Officer.
21(2)	The Authority's power to agree that the extent to which a grant or transfer under s.21(1) or (1A) of the Acquisition of Land Act 1967 shall satisfy the claim for compensation shall be determined by the Land Court.	The Chief Executive Officer.
23(2), (5), (6) and (7)	The Authority's power to make an advance payment to a claimant; the power to require the claimant to satisfy it regarding taxes, rates and other moneys which, if unpaid, would be a charge upon the land, and subsequently reduce the advance; the power to reduce the advance due to a	The Chief Executive Officer.

SCHEDULE – Acquisition of Land Act 1967 (Qld)		
Column 1 ⁴	Column 2	Column 3
Section	Description of Delegated Functions and Powers ⁵	Position Delegated and Applicable Limitations
	mortgage and to pay such a reduced sum to the Crown, local government or mortgagee.	
24(1)	The Authority's power to refer a claim for compensation under the Acquisition of Land Act 1967 (Qld) to the Land Court for determination.	The Chief Executive Officer.
29(1)	The Authority's power to agree upon the amount of compensation where the right to compensation is questioned.	The Chief Executive Officer.
29(1A) and (2)	The Authority's function to pay the amount of compensation determined by the Court or agreed upon with the claimant into the Supreme Court where the right to compensation is questioned.	The Chief Executive Officer.
29(3)	The Authority's power to pay into the Supreme Court the amount of any compensation under the Acquisition of Land Act 1967 (Qld) where the person to whom the amount is payable fails or refuses to accept payment or the Authority is unable for any reason to make payment to the claimant or obtain from the claimant a good and sufficient discharge for such payment.	The Chief Executive Officer.
30(1)	The Authority's function to pay the amount of compensation into the Supreme Court where compensation is determined or agreed to be paid to a claimant with a partial or qualified interest in the land taken and the claimant is not entitled to sell or dispose of their interest in land.	The Chief Executive Officer.
32(1)	The Authority's function to pay compensation to the mortgagee where appropriate.	The Chief Executive Officer.
36(1)	The Authority's power of entry under s.36 of the Acquisition of Land Act 1967 (Qld).	The Chief Executive Officer.
36(3)	The Authority's function to give notice to the occupier or owner.	The Chief Executive Officer.
36(7)	The Authority's power to agree on compensation to be paid under s.36 of the Acquisition of Land Act 1967 (Qld).	The Chief Executive Officer.
37(1)	The Authority's power to temporarily occupy and use any land for the purpose of constructing, maintaining or repairing any works and exercising the powers under s.37 of the Acquisition of Land Act 1967 (Qld).	The Chief Executive Officer.
37(2)	The Authority's function to give notice to the occupier or owner.	The Chief Executive Officer.
37(5)	The Authority's power to agree on compensation to be paid under s.37 of the Acquisition of Land Act 1967 (Qld).	The Chief Executive Officer.

SCHEDULE – <i>Acquisition of Land Act 1967 (Qld)</i>		
Column 1 ⁴	Column 2	Column 3
Section	Description of Delegated Functions and Powers ⁶	Position Delegated and Applicable Limitations
38(1)	The Authority's power to issue a warrant to the Sheriff to deliver possession of land taken under the Acquisition of Land Act 1967 (Qld).	The Chief Executive Officer.
41(1)	The Authority's power to offer land for sale to the former owner.	The Chief Executive Officer.

SCHEDULE – <i>Aboriginal Cultural Heritage Act 2003 (Qld)</i>		
Column 1	Column 2 ⁶	Column 3
Section	Description of Delegated Functions and Powers ⁷	Position Delegated and Applicable Limitations
96	The power of the Authority ⁸ to give written notice of a proposed cultural heritage management plan to various parties.	The Chief Executive Officer.
98	The power of the Authority to give public notice of a proposed cultural heritage management plan if there is no Aboriginal cultural heritage body and no Aboriginal party that is a native title party for a part of the plan area for the cultural heritage management plan.	The Chief Executive Officer.
97(2)	The power of the Authority to endorse an Aboriginal party identified in a response from an Aboriginal cultural heritage body to take part in developing a cultural heritage management plan.	The Chief Executive Officer.
98(2)	The power of the Authority to endorse an Aboriginal party to take part in developing a cultural heritage management plan.	The Chief Executive Officer.
99(2)	The power of the Authority to endorse an Aboriginal party to take part in developing a cultural heritage management plan.	The Chief Executive Officer.
100	The power of the Authority to give written notice of a cultural heritage management plan to an entity that becomes an Aboriginal party after the giving of the written notice but before the notice day for the proposed plan, and endorse the Aboriginal party to take part in developing the cultural heritage management plan.	The Chief Executive Officer.
101(2)	The power of the Authority to endorse an Aboriginal party to take part in developing a cultural heritage management plan in the absence of a response to a written or public notice of the proposed plan.	The Chief Executive Officer.
103	The power of the Authority to seek agreement with the endorsed parties about, and develop, a cultural heritage management plan.	The Chief Executive Officer.
105	The power of the Authority to negotiate and make every reasonable effort to reach agreement about the provisions of a cultural heritage management plan.	The Chief Executive Officer.

⁶ For the purposes of s.12(5)(a) of the Act, the Authority has the functions conferred on it under the Act as well as another Act. Therefore, the functions of a sponsor under the Aboriginal Cultural Heritage Act 2003 (Qld) will be a function of the Authority for the purposes of the Act.

⁷ For a more detailed description of the identified statutory function or power, refer to the Aboriginal Cultural Heritage Act 2003 (Qld).

⁸ The reference to "Authority" is a reference to the "Sponsor" as that term is defined in Schedule 2 of the Aboriginal Cultural Heritage Act 2003 (Qld).

SCHEDULE – <i>Aboriginal Cultural Heritage Act 2003 (Qld)</i>		
Column 1	Column 2 ⁶	Column 3
Section	Description of Delegated Functions and Powers ⁷	Position Delegated and Applicable Limitations
106	The power of the Authority to refer a dispute about a cultural heritage management plan to the Land Court for mediation.	The Chief Executive Officer.
107	The power of the Authority to give a cultural heritage management plan to the chief executive for approval.	The Chief Executive Officer.
111	The power of the Authority, where there is no endorsed party for a cultural heritage management plan, to object to the Land Court with respect to the refusal of the chief executive to approve the cultural heritage management plan.	The Chief Executive Officer.
112	The power of the Authority, after an unsuccessful mediation but before the end of the consultation period, to refer a cultural heritage management plan to the Land Court.	The Chief Executive Officer.
113	The power of the Authority, if the consultation parties have not agreed that the chief executive may approve a cultural heritage management plan, to refer the cultural heritage management plan to the Land Court after the end of the consultation period.	The Chief Executive Officer.
114	The power of the Authority to identify details of all other parties to an objection or referral to the Land Court.	The Chief Executive Officer.
115	The power of the Authority to give a document to the Land Court that outlines the nature and extent of the consultation and states why the sponsor believes the cultural heritage management plan makes enough provision for how the project is to be managed to avoid or minimise harm to Aboriginal cultural heritage.	The Chief Executive Officer.

SCHEDULE – <i>State Development and Public Works Organisation Act 1971</i>		
Column 1	Column 2 ⁹	Column 3
Section	Description of Delegated Functions and Powers	Position Delegated and Applicable Limitations
27AE(1)	The function of the Authority to give the Coordinator-General written notice of: (a) a change of the proponent for a relevant project; (b) a change in the proponent's contact details.	The Chief Executive Officer.
35C	The power of the Authority to apply to the Coordinator-General to evaluate the environmental effects of the proposed change, its effects on the project and any other related matters.	The Chief Executive Officer.
35N(2)(c)	The power of the Authority to provide written views about whether a proposed assessment should be made.	The Chief Executive Officer.
35N(6)	The power of the Authority to ask for extension of time.	The Chief Executive Officer.
54f	The power of the Authority to bring a proceeding under s.54F of the Act in relation to an offence or threatened or anticipated offence that is related to the relevant project.	The Chief Executive Officer.

⁹ For the purposes of s.12(5)(a) of the Act, the Authority has the functions conferred on it under the Act as well as another Act. Therefore, functions of a proponent under the State Development and Public Works Act 1971 (Qld) will be a function of the Authority for the purposes of the Act.

SCHEDULE – <i>Statutory Bodies Financial Arrangements Act 1982</i>		
Column 1	Column 2	Column 3
Section	Description of Delegated Functions and Powers ¹⁰	Position Delegated ¹¹ and Applicable Limitations
31(1)	The power of the Authority ¹² to operate a deposit and withdrawal account with a financial institution (other than an account with an overdraft facility).	The Chief Executive Officer.
34(1)	The power of the Authority to borrow money with the Treasurer's approval.	The Chief Executive Officer.
35(3)	The power of the Authority to, with the Treasurer's approval: (a) create an encumbrance; or (b) otherwise transfer its property, or assign its income by way of security.	The Chief Executive Officer.
42(1)	The power of the Authority to invest under Part 6 of the Act.	The Chief Executive Officer.
47(1)(a) and 47(1)(b)	The power of the Authority to invest its funds at the most advantageous interest rate available to it at the time of the investment.	The Chief Executive Officer.
47(2)	The power of the Authority to keep records that show it has invested in the way most appropriate in all the circumstances.	The Chief Executive Officer.
52(2)(a) and 52(2)(b)	The power of the Authority to: (a) obtain the Treasurer's approval for continuing with the investment arrangement; or (b) liquidate the investment arrangement, including for example, withdrawing a deposit.	The Chief Executive Officer.
53(1)(a) and 53(1)(b)	The power of the Authority to enter into a derivative transaction under Division 1 of Part 7 of the Act in its own name or in the name of the person, who, with the Treasurer's approval, has been appointed in writing by the body as its agent.	The Chief Executive Officer.
53(2)(a) and 53(2)(b)	The power of the Authority to enter into a derivative transaction if the body is prescribed as a statutory body that may enter into derivative transactions and with the Treasurer's approval.	The Chief Executive Officer.

¹⁰ Under s.7 of the Statutory Bodies Financial Arrangements Act 1982 (SBFA Act), a statutory body may exercise a power under the Act only if the body is satisfied on reasonable grounds, that exercising the power is necessary or convenient for performing its functions under its authorising Act or another Act.

¹¹ The Chief Executive Officer may subdelegate a function under s.73(5) of the Act.

¹² Pursuant to s.11(1)(b)(ii) of the Act, the Authority is a statutory body under the SBFA Act.

SCHEDULE – Statutory Bodies Financial Arrangements Act 1982		
Column 1	Column 2	Column 3
Section	Description of Delegated Functions and Powers ¹⁰	Position Delegated ¹¹ and Applicable Limitations
54	The power of the Authority to enter into a derivative transaction if the body does so to hedge against a risk to which the body is or will be exposed.	The Chief Executive Officer.
55(1)	The power of the Authority to give the Treasurer a report about the derivative transaction at the times prescribed under a regulation.	The Chief Executive Officer.
56(1)	The power of the Authority to give a copy of the report about the derivative transaction to the Minister who administers the body's authorising Act on the day it gives the Treasurer a report about a derivative transaction.	The Chief Executive Officer.
59(1)(a) and 59(1)(b)	The power of the Authority to appoint, in writing, a person (funds manager) to manage the investment of all or part of its funds if: (a) the body is satisfied, on reasonable grounds, the person is suitable to manage the investment of all or part of its funds; and (b) before appointing the person, the body obtains the Treasurer's approval of the appointment.	The Chief Executive Officer.
59(2)(a) and 59(2)(b)	The power of the Authority to ensure its appointment of the funds manager is subject to: (a) a condition to which the Treasurer's approval is subject; and (b) a subsequent amendment or repeal of the approval.	The Chief Executive Officer.
60A	The power of the Authority, with the Treasurer's approval, to enter into a type 1 financial arrangement.	The Chief Executive Officer.
61A(1) and 61A(2)	The power of the Authority, with the Treasurer's approval, to enter into a type 2 financial arrangement. The Authority's power to enter into a type 2 financial arrangement includes: (a) a type 2 financial arrangement necessary for, or incidental to, the exercise of another power under this Act; and (b) a type 2 financial arrangement not otherwise allowed under this Act.	The Chief Executive Officer.
62(1)	The power of the Authority to sign documents necessary for a financial arrangement that it may enter into under the Statutory Bodies Financial Arrangements Act 1982.	The Chief Executive Officer.
71(1)	The power of the Authority to apply, in writing, for the Treasurer's approval of the exercise of a power under this Act.	The Chief Executive Officer.

SCHEDULE – <i>Statutory Bodies Financial Arrangements Act 1982</i>		
Column 1	Column 2	Column 3
Section	Description of Delegated Functions and Powers ¹⁰	Position Delegated ¹¹ and Applicable Limitations
74	The requirements imposed on the Authority to keep a register of the Treasurer's approvals under this division of the Act for the body's exercise of a power	The Chief Executive Officer

SCHEDULE – <i>Financial Accountability Act 2009 (Qld)</i> (FA Act)		
Column 1	Column 2	Column 3
Section	Description of Delegated Functions ¹³ and Powers ¹⁴	Position Delegated ¹⁵ and Applicable Limitations
41(1) and (2)	The function of the Authority ¹⁶ to apply in writing to the Treasurer for approval of the exercise of a power under the FA Act.	The Chief Executive Officer.
44 (1) and (2)	The function of the Authority to apply to the Treasurer for amendment or repeal of a Treasurer's specific approval.	The Chief Executive Officer.
45(2)	The function of the Authority to keep a register of the specific approvals granted to it by the Treasurer.	The Chief Executive Officer.
57(4)	The function of the Authority to comply with the provisions of the financial and performance management standard.	The Chief Executive Officer.
61(a)	The function of the Authority to (a) to achieve reasonable value for money by ensuring the operations of the department or statutory body are carried out efficiently, effectively and economically.	The Chief Executive Officer.
61(b)	The function of the Authority to establish and maintain appropriate systems of internal control and risk management.	The Chief Executive Officer.
61(c)	The function of the Authority to establish and keep funds and accounts in compliance with the prescribed requirements.	The Chief Executive Officer.
61(d)	The function of the Authority to ensure annual financial statements are prepared, certified and tabled in Parliament in accordance with the prescribed requirements.	The Chief Executive Officer.
61(e)	The function of the Authority to undertake planning and budgeting for the accountable officer's department or the statutory body that is appropriate to the size of the department or statutory body.	The Chief Executive Officer.
61(f)	The function of the Authority to perform other functions conferred on the accountable officers or statutory bodies under this or another Act or a financial and performance management standard.	The Chief Executive Officer.

¹³ Pursuant to s.76(3) of the FA Act, a reference to a function includes a reference to a power.

¹⁴ For a more detailed description of the identified statutory function or power, refer to the Act.

¹⁵ The Chief Executive Officer may subdelegate a function under s.73(5) of the Act.

¹⁶ Pursuant to s.11(1)(b)(i) of the Act, the Authority is a statutory body under the FA Act.

SCHEDULE – <i>Financial Accountability Act 2009 (Qld)</i> (FA Act)		
Column 1	Column 2	Column 3
Section	Description of Delegated Functions ¹³ and Powers ¹⁴	Position Delegated ¹⁵ and Applicable Limitations
62(1)(a)	The function of the Authority to prepare annual financial statements for the department or statutory body in accordance with the prescribed requirements.	The Chief Executive Officer.
62(1)(b)	The function of the Authority to certify on the statements whether the statements comply in all material respects with the prescribed requirements in relation to the establishment and keeping of accounts.	The Chief Executive Officer.
62(1)(c)	The function of the Authority to have the statements audited as required under the Auditor-General Act 2009.	The Chief Executive Officer.
62(1)(d)	The function of the Authority to include the statements in the annual report of the department or statutory body.	The Chief Executive Officer.
63(1)	The function of the Authority to prepare an annual report as specified in a financial and performance management standard and give it to the appropriate Minister.	The Chief Executive Officer.
64(1)	The power of the Authority to divest itself of an investment gifted or bequeathed to it (only with the Treasurer's approval).	The Chief Executive Officer.

SCHEDULE – Financial and Performance Management Standard 2019 (FPM Standard)		
Column 1	Column 2	Column 3
Section	Description of Delegated Functions ¹⁷ and Powers ¹⁸	Position Delegated ¹⁹ and Applicable Limitations
6	The function of the Authority to ensure an appropriate governance framework is established and maintained.	The Chief Executive Officer.
7(The function of the Authority to establish and maintain a cost-effective structure (an internal control structure) to provide for the internal controls of the Authority.	The Chief Executive Officer.
8	<p>The function of the Authority to develop and implement, in compliance with the document called 'Agency planning requirements' prepared by the Department of the Premier and Cabinet:</p> <p>(a) a strategic plan covering a period of 4 years; and</p> <p>(b) an operational plan covering a period of not more than 1 year</p> <p>for the whole of the Authority or parts of the Authority for which it considers the plan is appropriate.</p>	The Chief Executive Officer.
9	The function of the Authority to manage the performance of the Authority in accordance with the document called 'Queensland government performance management framework policy' prepared by the Department of the Premier and Cabinet.	The Chief Executive Officer.
10	<p>The function of the Authority to establish and maintain a performance management system that complies with the FPM Standard for—</p> <p>(a) obtaining performance information to enable the Authority to determine whether it is—</p> <p>(i) achieving the objectives stated in its strategic plan efficiently, effectively and economically; and</p> <p>(ii) delivering the services stated in its operational plan to the standard stated in the plan; and</p> <p>(b) evaluating the achievement of its objectives</p>	The Chief Executive Officer.
11	The function of the Authority to establish, maintain and regularly review the resource management systems listed in s.11(1)(a)-(h) of the FPM Standard for efficiently, effectively and economically managing the resources of the Authority, having regard to the financial accountability handbook.	The Chief Executive Officer.

¹⁷ Pursuant to s.76(3) of the FA Act, a reference to a function includes a reference to a power.

¹⁸ For a more detailed description of the identified statutory function or power, refer to the Act.

¹⁹ The Chief Executive Officer may subdelegate a function under s.73(5) of the Act.

SCHEDULE – Financial and Performance Management Standard 2019 (FPM Standard)		
Column 1	Column 2	Column 3
Section	Description of Delegated Functions ¹⁷ and Powers ¹⁸	Position Delegated ¹⁹ and Applicable Limitations
12	The function of the Authority to prepare and maintain a financial management practice manual for use in the financial management of the Authority in accordance with s.12 of the FPM Standard.	The Chief Executive Officer.
13(1)(a)	The function of the Authority to manage the revenue of the Authority in accordance with the revenue management system established under s. 11(1)(a) of the FPM Standard.	The Chief Executive Officer.
13(1)(b)	The power of the Authority to fix charges for goods or services provided by the Authority having regard to the document called 'Principles for fees and charges' published by the treasury department.	The Chief Executive Officer.
14(1) and (2)	The function of the Authority to manage the expenses of the Authority to achieve reasonable value for money in accordance with its established expense management system that is compliant with the requirements of s.14 of the FPM Standard.	The Chief Executive Officer.
15	The function of the Authority to keep a record of each special payment of the Authority that is more than \$5,000 that is compliant with the requirements in s.15(2) of the FPM Standard.	The Chief Executive Officer.
16 and 17	The function of the Authority to keep a record of, and where relevant make notification of, the losses it becomes aware of in compliance with the requirements of s.16 of the FPM Standard, or otherwise in compliance with the requirements of s.17 of the FPM Standard.	The Chief Executive Officer.
18	The function of the Authority to manage the Authority's assets in accordance with its asset management system established for the Authority in compliance with the requirements of s.18 of the FPM Standard.	The Chief Executive Officer.
19	The function of the Authority to manage the Authority's cash in accordance with its established cash management system and in compliance with the requirements of s.19 of the FPM Standard.	The Chief Executive Officer.
20	The function of the Authority to manage the Authority's liabilities in accordance with its established liability management system and in compliance with the requirements of s.20 of the FPM Standard.	The Chief Executive Officer.
21	The function of the Authority to manage the Authority's contingencies in accordance with its established contingency management system and in compliance with the requirements of s.21 of the FPM Standard.	The Chief Executive Officer.
22	The function of the Authority to manage the Authority's financial information in accordance with its established financial	The Chief Executive Officer.

SCHEDULE – <i>Financial and Performance Management Standard 2019</i> (FPM Standard)		
Column 1	Column 2	Column 3
Section	Description of Delegated Functions ¹⁷ and Powers ¹⁸	Position Delegated ¹⁹ and Applicable Limitations
	information management system and in compliance with the requirements of s.22 of the FPM Standard.	
23	The function of the Authority to manage the Authority's strategic and operational risks in accordance with its established risk management system and in compliance with the requirements of s.23 of the FPM Standard.	The Chief Executive Officer.
23(3) and 4)	The power of the Authority to establish a risk management committee to help with the management of risks.	The Chief Executive Officer.
24(2) and (3), 25	The function of the Authority to establish an internal audit function (operating under a charter established under s.25 of the FPM Standard) to carry out assurance activities if directed to do so by the appropriate Minister or if the Authority considers it appropriate.	The Chief Executive Officer.
26	The function of the Authority to, through its internal audit function, carry out planning appropriate to the size and functions of the Authority, including the preparation of a strategic audit plan and annual audit plan.	The Chief Executive Officer.
27(1)	The internal audit function of the Authority to (a) give the person in charge of an audited area a copy of the proposed report on the audit for the area; and (b) include, in the final report on the audit, comments by the person about the proposed report.	The Chief Executive Officer.
27(2)	The internal audit function of the Authority to give the final report on the audit to the Authority and its audit committee if established.	The Chief Executive Officer.
28	The function of the Authority to consider, and taken necessary action in respect of, the report given under s.27 of the FPM Standard.	The Chief Executive Officer.
30	The power of the Authority to establish an audit committee in compliance with the requirements of s.30 of the FPM Standard.	The Chief Executive Officer.
32, 33 and 34	The function of the Authority to establish and maintain a contract performance guarantee system, in compliance with the requirements of ss 32, 33 and 34 of the FPM Standard, for— (a) deciding which contracts entered into by or for the Authority must require the giving of a contract performance guarantee; and (b) managing the contract performance guarantees given to the Authority; and (c) identifying, as soon as practicable, whether an approved security provider who has given a contract performance	The Chief Executive Officer.


SCHEDULE – Financial and Performance Management Standard 2019 (FPM Standard)		
Column 1	Column 2	Column 3
Section	Description of Delegated Functions ¹⁷ and Powers ¹⁸	Position Delegated ¹⁹ and Applicable Limitations
	guarantee to the Authority has stopped being an approved security provider.	
39(2)	The function of the Authority to, for each financial year, prepare its annual financial statements in accordance with the minimum reporting requirements stated in the financial reporting requirements document.	The Chief Executive Officer.
39(5)	The function of the Authority to within the period stated in s.41 of the FPM Standard, give the annual financial statements to the authorised auditor for the Authority for audit.	The Chief Executive Officer.
41(1)(b) and (2)	The function of the Authority to give the annual financial statements to the authorised auditor by a day agreed between the Authority and the authorised auditor.	The Chief Executive Officer.
46	The function of the Authority to prepare an annual report in accordance with the annual report requirements document and in compliance with the requirements of s.46 of the FPM Standard.	The Chief Executive Officer.
47	The function of the Authority to give an annual report for a financial year to the appropriate Minister by a day agreed between the Authority and the appropriate Minister, in compliance with s.47 of the FPM Standard.	The Chief Executive Officer.

SCHEDULE – <i>Human Rights Act 2019</i>		
Column 1	Column 2	Column 3
Section	Description of Delegated Functions and Powers	Position Delegated and Applicable Limitations
97(2)	The power of the public entity to include in its annual report the information as specified in s.97(2) of the Act.	The Chief Executive Officer.

INSTRUMENT OF DELEGATION

Cross River Rail Delivery Authority Act 2016 (Qld)

1. The Cross River Rail Delivery Authority (**Authority**), pursuant to section 73(1) of the Cross River Rail Delivery Authority Act 2016 (Qld) (**Act**), now delegates the functions and powers of the Authority as specified in Column 1 of the Schedule to the persons who hold the positions specified in Column 3 of the Schedule subject to any limitations or conditions as are specified in Column 3 of the Schedule.
2. The specified delegates may subdelegate the functions or powers the subject of this Instrument of Delegation if provided for in the Act or if expressly provided for in Column 3 of the Schedule.
3. The description of the functions and powers as set out in Column 2 does not limit the scope of the functions and powers that are delegated under this Instrument of Delegation.
4. In this Instrument of Delegation, a reference to an Act includes any relevant amending, consolidating or replacing legislation and any statutory instruments made under that Act.
5. If the name of a position mentioned in the Schedule to this Instrument of Delegation is redesignated or retitled, but the duties, functions and responsibilities attached to the position remain substantially the same, then the reference to the position in the Schedule to this Instrument shall be read as if it is a reference to the redesignated or retitled position.
6. The Instrument of Delegation includes the attached Schedule comprising 2 pages in total. No other written material forms part of the Instrument.
7. To the extent that there are any inconsistencies between any function or power delegated under this Instrument of Delegation and any function or power delegated under a previous Instrument of Delegation, the delegation of the functions and powers under this Instrument of Delegation will prevail.
8. This Instrument of Delegation commences on the date it is signed.
9. This Instrument of Delegation is signed on behalf of the Authority under s.17(1) of the Act.



The Honourable Paul Lucas
Chairperson of the Cross River Rail Delivery Board
Cross River Rail Delivery Authority

DATED AT BRISBANE this

3rd

day of

March

2020

SCHEDULE – <i>Queensland Heritage Act 1992</i>		
Column 1	Column 2	Column 3
Section	Description of Delegated Functions ¹ and Powers	Position Delegated and Applicable Limitations
71(9)	The function of the Authority to consider a recommendation by the Queensland Heritage Council about a proposed development and decide whether to accept or reject it.	The member of the board of the Cross River Rail Delivery Authority who is a member pursuant to s.33(1)(d) of the Act
71(10)	The function of the Authority, if a development was publicly notified under s.71(5), to give public notice of a decision under subsection s.71(9).	The member of the board of the Cross River Rail Delivery Authority who is a member pursuant to s.33(1)(d) of the Act

¹ Pursuant to s.73(6) of the Act, a reference to a function includes a reference to a power.